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No. 151

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 24, 2003.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God our Father, because the joy and hope, the grief and anguish of the people of this age, especially of those who are poor or afflicted in any way are the joy and hope, the grief and anguish of all those who truly serve the public, we pray for those in government here in these United States, as well as those serving in foreign governments. May they be true to their calling.

Help all to learn from their mistakes in the past. By working tirelessly for that justice which will bring about true and lasting peace, may Your servants be encouraged to do what is right for the common good of all.

You reveal that those who hunger for justice and work for peace will surely be known as Your sons and daughters. In this we trust now and forever, Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 52. Joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 877. An act to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. Con. Res. 21. Concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 22, 2003.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 22, 2003 at 9:10 a.m.

That the Senate agreed to conference report S. 3.

With best wishes, I am  
Sincerely,

MARTHA C. MORRISON,  
*Deputy Clerk of the House.*

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Wednesday, October 22, 2003:

S. 3, to prohibit the procedure commonly known as partial-birth abortion;

S. 1591, to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building."

### APPOINTMENT AS DIRECTOR OF OFFICE OF INTERPARLIAMENTARY AFFAIRS

The SPEAKER pro tempore. Pursuant to section 103(c) of Public Law 108-83 (2 U.S.C. 130-2), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of Ms. Martha C. Morrison as Director of the Office of Interparliamentary Affairs of the United States House of Representatives.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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# APPOINTMENT AS MEMBERS TO NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF UNITED STATES INTELLIGENCE COMMUNITY

The SPEAKER pro tempore. Pursuant to section 1002(b) of the Intelligence Authorization Act for fiscal year 2003 (50 U.S.C. 401 note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community:

Mr. HOEKSTRA of Michigan;  
And from private life:  
Mr. K. Stuart Shea, Chantilly, Virginia;  
Mr. Gardner G. Peckham, Chevy Chase, Maryland.

## SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 21. Concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce; to the Committee on Energy and the Workforce.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

S. 1591. An act to redesignate the facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

## BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 22, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 1900. To award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson.

Jeff Trandahl, Clerk of the House reports that on October 22, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 1474. To facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall effi-

ciency of the Nation's payments system, and for other purposes.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m., Tuesday, October 28, 2003.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, October 28, 2003, at 12:30 p.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4849. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Review by the National Futures Association of Disclosure Documents Required To Be Filed by Commodity Pool Operators for Publicly-Offered Commodity Pools—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4850. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Transactions—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4851. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Foreign Options Transactions—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4852. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Performance Data and Disclosure for Commodity Trading Advisors (RIN: 3038-AB39) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4853. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of the New York Mercantile Exchange, Inc. Petition for Interpretation Pursuant to Section 1a(12)(C) of the Commodity Exchange Act—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4854. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Amendment to Appendix C of Part 40 and Redesignation as Appendix D of Part 30—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4855. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Account Identification for Eligible Bunched Orders (RIN: 3038-AB93) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4856. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of Washington Mutual, Inc. and Its Various Subsidiaries Request for Relief—received October 16, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4857. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commodity Pool Operators—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4858. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of the New York Mercantile Exchange, Inc. and the Intercontinental Exchange, Inc., Petitions for Treatment of Floor Brokers and Floor Traders as Eligible Commercial Entities Pursuant to Section 1a(11)(C) of the Commodity Exchange Act—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4859. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Fiscal Period Change [Docket No. FV03-956-1 FR] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4860. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rate [Docket No. FV03-930-3 FR] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4861. A letter from the Administrator, Agricultural Marketing Service, Livestock and Seed Program, Department of Agriculture, transmitting the Department's final rule—Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean Board [No. LS-03-03] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4862. A letter from the Administrator, Agricultural Marketing Service, Research and Promotion Branch, Department of Agriculture, transmitting the Department's final rule—Mango Promotion, Research, and Information Order; Subpart B-Referendum Procedures [Doc. # FV-02-708-FR] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4863. A letter from the Assistant Attorney General, Department of Justice, transmitting the Attorney General's 2002 Annual Report, pursuant to the Equal Credit Opportunity Act Amendments of 1976, as required by 15 U.S.C. 1691(f); to the Committee on Financial Services.

4864. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Controlled Substances Registration and Reregistration Application Fees [Docket No. DEA-232F] (RIN: 1117-AA70) received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4865. A letter from the Deputy Chief, Wireline Competition Bureau, TAPD, Federal Communications Commission, transmitting the Commission's final rule—Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Universal Service Fund [CC Docket No. 96-45] Application of Generally Accepted Accounting Principles for Federal Agencies and Generally Accepted Government Auditing Standards to the Telecommunications Relay Services Fund [CC Docket No. 03-123] received October 16, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4866. A letter from the Chief, Fee Section, FOD, Office of Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Schedule of Application Fees [Gen Docket No. 86-285; FCC 02-202] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4867. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Station. (Ridgecrest, California) [MB Docket No. 03-145 RM-10730] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4868. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Bangs, Texas) [MB Docket No. 03-153 RM-10727] (DeBeque, Colorado) [MB Docket No. 03-154 RM-10736] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4869. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson and Pegram, Tennessee) [MB Docket No. 03-51 RM-10555] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4870. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Avoca, Freeland and, Wilkes-Barre, Pennsylvania) [MB Docket No. 03-140 RM-10697] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4871. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Cove, Arkansas) [MB Docket No. 03-143 RM-10726] (Robert Lee, Texas) [MB Docket No. 03-146 RM-10728] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4872. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mason and Fredricksburg, Texas) [MB Docket No. 03-14 RM-10629] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4873. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Communications Assistance for Law Enforcement [CC Docket No. 97-213] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4874. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59) [GN Docket No. 01-74] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4875. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Review of Part 15 and other Parts of the Commission's Rules [ET Docket 01-278] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4876. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Amendment of Parts 2, 25 and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for the Radio Frequency Equipment, Modify the Equipment Authorization Process for Telephone Terminal Equipment, Implement Mutual Recognition Agreements and the Begin Implementation of the Global Mobile Personal Communications by Satellite (GMPCS) Arrangements [GEN Docket No. 98-68] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4877. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service [ET Docket No. 95-18] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4878. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 15 of the Commission's Rules to Further Ensure That Scanning Receivers Do Not Receive Cellular Radio Signals [ET Docket No. 98-76] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4879. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 2 of the Commission's Rules to Allocate the Band 33-36 GHz to the Fixed Satellite Service for Federal Government Use—received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4880. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Rapid City, South Dakota and Gillette, Wyoming) [MM Docket No. 00-186; RM-9970] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4881. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wickenburg, Bagdad and Aguila, Arizona) [MM Docket No. 00-166; RM-9951; RM-10015; RM-10016] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4882. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Houston and Anchorage, Alaska) [MM Docket No. 01-37; RM-10065] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4883. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of

Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arthur, North Dakota) [MM Docket No. 01-12; RM-10039] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4884. A letter from the Secretary, Department of Commerce, transmitting the Department's report to Congress on the status of The World Intellectual Property Organization Copyright Treaty and The World Intellectual Property Organization Performances and Phonograms Treaty; to the Committee on International Relations.

4885. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 15-255, "Sense of the Council on Extending the Federal Assault Weapons Ban Resolution of 2003," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4886. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 15-249, "Sense of the Council Supporting District of Columbia Budget Autonomy Resolution of 2003," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

4887. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's FY 2003 annual report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

4888. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 030721177-3234-02; I.D. 060903C] (RIN: A648-AQ96) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4889. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Pelagic Sargassum Habitat of the South Atlantic Region [Docket No. 030430107-3236-02; I.D. 040703A] (RIN: 0648-AN87) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4890. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specification, General Category Effort Controls, and Permit Revisions [Docket No. 030613152-3235-02; I.D. 051903B] (RIN: 0648-AQ38) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4891. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 093003B] received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4892. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Gear in the Chum Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area [Docket

No. 021212307-02; I.D. 092303B] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4893. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 092403B] received October 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4894. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Bluefin Tuna Retention Limit [I.D. 092403C] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4895. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Coastal Fisheries Cooperative Management Act Provisions; Weakfish Fishery [Docket No. 030617155-2322-02; I.D. 051903D] (RIN: 0648-AR11) received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4896. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 101003A] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4897. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 100703E] received October 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4898. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Ohio River, Miles 467.0 to 475.0 and Licking River, Miles 0.0 to 0.5; Cincinnati, OH [CGD08-03-036] (RIN: 1625-AA08) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4899. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Isle of Wight Bay, Ocean City, MD [CGD05-03-062] (RIN: 1625-AA08) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4900. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 03-023] (RIN: 1625-AA00) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4901. A letter from the Chief, Regulations and Administrative Law, Coast Guard, De-

partment of Homeland Security, transmitting the Department's final rule—Drawbridge Operational Illinois Waterway, Illinois [CGD08-03-026] (RIN: 1625-AA09) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4902. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Charles River, Dorchester Bay, and Saugus River, MA [CGD01-02-026] (RIN: 1625-AA09) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4903. A letter from the Chief, Regulations and Administrative Law, Coast Guard, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico in Mississippi Canyon 243 [CGD08-03-017] (RIN: 1625-AA72) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4904. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30391; Amdt. No. 3078] received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4905. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BURKHART GROB LUFT-UND RAUMFAHRT GmbH & CO KG Models G103 TWIN ASTIR, G103 TWIN II, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes [Docket No. 2003-CE-35-AD; Amendment 39-13317; AD 2003-19-14] (RIN: 2120-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4906. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes, and Airbus A310 Series Airplanes [Docket No. 2003-NM-206-AD; Amendment 39-13319; AD 2003-20-01] (RIN: 2120-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4907. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-300 Series Airplanes Equipped with Certain Pratt & Whitney PW306B Engine Nacelles [Docket No. 2001-NM-319-AD; Amendment 39-13320; AD 2003-20-02] (RIN 2120-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4908. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. 2003-CE-26-AD; Amendment 39-13316; AD 2003-19-13] (RIN: 1220-AA64) received October 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4909. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000-NE-47-AD; Amendment 39-13328; AD 2003-19-15] (RIN: 2120-AA64) received October 10,

2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4910. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and methods of accounting. (Rev. Proc. 2003-79) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4911. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Miscellaneous excise taxes collected by return. (Rev. Proc. 2003-78) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4912. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2003-76) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4913. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Proc. 2003-76) received October 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4914. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, "To amend Title 38, United States Code, to strengthen the ability of the Secretary of Veterans Affairs to manage Veterans Health Administration medical personnel effectively, and for other purposes"; jointly to the Committees on Veterans' Affairs, the Judiciary, and Government Reform.

## REPORTS OF COMMITTEE

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 1856. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, with an amendment (Rept. 108-326 Pt. 1). Ordered to be printed.

## REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of Oct. 21, 2003]

Mr. MANZULLO: Committee on Small Business. H.R. 2802. A bill to reauthorize the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment; referred to the Committee on Government Reform for a period ending not later than October 31, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X (Rept. 108-325, Pt. 1).

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1856. Referral to the Committee on Resources extended for a period ending not later than October 31, 2003.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BEREUTER:

H.R. 3373. A bill to direct the Secretary of the Interior to monitor the health of the Missouri River and measure biological, chemical, and physical responses to changes in river management and other significant variables; to the Committee on Resources.

By Mr. KENNEDY of Minnesota:

H. Res. 413. A resolution honoring Mother Teresa and her many contributions to the world through her mission; to the Committee on International Relations.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. FROST.  
 H.R. 151: Mr. PALLONE.  
 H.R. 339: Mr. LAHOOD.  
 H.R. 373: Mr. GRIJALVA.  
 H.R. 737: Mr. GUTIERREZ.  
 H.R. 791: Mr. LARSON of Connecticut, Mr. SHAYS, and Mr. JEFFERSON.  
 H.R. 1013: Mr. NUNES.  
 H.R. 1300: Mr. MCGOVERN.  
 H.R. 1513: Mr. CRANE and Mr. MATHESON.  
 H.R. 1910: Mr. BISHOP of Georgia.  
 H.R. 2131: Mr. AKIN, Mrs. BIGGERT, Mr. BLUNT, Mr. COLLINS, Mr. GINGREY, Mr. HEFLEY, Mr. KLINE, Mr. LAHOOD, Mr. MCCRERY, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. ROHR-ABACHER, Ms. ROS-LEHTINEN, Mr. SHADEGG, Mr. TIAHRT, Mr. WICKER, Mr. TIBERI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BISHOP of Utah, Mr. CANNON, Mr. PEARCE, Mr. KENNEDY of Minnesota, and Mr. MCGOVERN.  
 H.R. 2173: Mr. CARDOZA, Mr. THOMPSON of Mississippi, and Mr. KIND.  
 H.R. 2176: Mr. KING of New York.  
 H.R. 2371: Mr. TURNER of Texas.  
 H.R. 2512: Ms. SLAUGHTER, Mr. BOEHLERT, Mr. NADLER, and Mr. SHAYS.  
 H.R. 2515: Mrs. NORTHUP.

H.R. 2683: Ms. BORDALLO.  
 H.R. 2768: Mr. RAMSTAD, Mr. HOUGHTON, and Mr. WEINER.  
 H.R. 2771: Mr. ENGEL.  
 H.R. 2869: Mr. CANNON.  
 H.R. 2949: Mr. EVANS, Mr. WELDON of Pennsylvania, Mr. GEORGE MILLER of California, and Mr. MCGOVERN.  
 H.R. 2959: Mr. FROST, Mr. CUMMINGS, and Mr. McNULTY.  
 H.R. 3035: Mr. FRANK of Massachusetts, Mr. ENGLISH, and Mr. FROST.  
 H.R. 3208: Mr. RUPPERSBERGER.  
 H.R. 3247: Mr. GIBBONS.  
 H.R. 3277: Mr. McDERMOTT, Mr. MEEKS of New York, Mr. FROST, and Mrs. JO ANN DAVIS of Virginia.  
 H.R. 3352: Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. EHLERS, and Ms. BALDWIN.  
 H. Con. Res. 165: Mr. FILNER.  
 H. Con. Res. 218: Mr. MENENDEZ, Mr. FERGUSON, Mr. SAXTON, Mr. EVANS, and Mr. MURTHA.  
 H. Con. Res. 265: Mr. MENENDEZ and Mr. WATT.  
 H. Res. 300: Ms. MCCOLLUM.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, FRIDAY, OCTOBER 24, 2003

No. 151

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

### PRAYER

The Chaplain, Dr. Barry C. Black, offered to following prayer:

Let us pray.

Eternal God who presides over the universe, thank You for Your goodness and Your love. Today, make us instruments for grace. Help us to draw strength from each other, to be quick to listen and slow to speak. Teach us to refuse to let this world squeeze us into its mold, but make us ambassadors of transformation. Fill our Senators with power and wisdom so that Your name will be praised throughout the Earth. Strengthen our minds and bodies.

And, Lord, today we give You a special thanks for the lives and legacies of Paul and Sheila Wellstone. We pray this in Your holy name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, under the order last night, the Senate will conduct a period of morning business until 10 a.m. Following morning business, we will begin consideration of the foreign operations appropriations measure.

### ORDER OF PROCEDURE

Therefore, I now ask unanimous consent that following morning business

today, the Senate begin consideration of H.R. 2800, the foreign operations appropriations bill. I further ask unanimous consent that other than the offering of a substitute, the bill be open for debate only during today's session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. With this agreement in place, the two managers will be here at approximately 10 this morning to begin debate on this appropriations measure. There will be no rollcall votes during today's session. As a reminder, a cloture motion was filed on the nomination of Michael Leavett to be Administrator of the Environmental Protection Agency. That vote will occur at 5:30 on Monday. In addition to that vote on Monday, I would expect consideration of amendments to the foreign operations bill. I will have more to say on that later, after I have consulted with the manager of that bill, the distinguished majority whip.

I have also repeated our desire to complete a number of other important issues as we press on during these final weeks. The objection to begin consideration of the fair credit reporting bill was removed and we reached a consent to be able to proceed to that measure. Unfortunately, we have been unable to reach a consent for the consideration of the Healthy Forests legislation, but we will continue to work on and for that agreement.

The CARE Act continues to be held up from proceeding to conference.

The deadline for action on the Internet tax moratorium is fast approaching and we really need to expedite that bill.

I mentioned the other day the importance of the Protection of Lawful Commerce In Arms Act. This bill has over 54 cosponsors and should be considered by the Senate before we adjourn.

Nominations, in particular judicial nominations—those nominations which have been held up—do demand our attention and should be given their due process on the floor of the Senate.

I mention all of these items while we continue the ongoing appropriations process. There is much work to do and little time in which to do it. Thus, we must make very efficient use of the Senate's time. I hope Members will help the leadership on both sides of the aisle as we go forward and schedule these remaining weeks. These individual pieces of legislation, as well as the appropriations bills, as well as those bills that are in conference, must get done before we depart.

### MEASURE PLACED ON THE CALENDAR—S. 1781

Mr. FRIST. Mr. President, I understand S. 1781 is at the desk and is due for a second reading.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1781) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

Mr. FRIST. I object to further proceeding.

The PRESIDENT pro tempore. It will be placed on the calendar for further action.

### IRAQ PROGRESS

Mr. FRIST. Mr. President, I take just a couple of moments to comment on some of the activities in Iraq, especially in light of the donor conference that is underway as we speak. We know it is very important for the world to have a clear picture of the progress that is being made in Iraq today. My comments will really center, again very briefly, on that.

Not very many Americans have heard of Karada Street, I would wager. Karada Street is Baghdad's busiest commercial avenue, and something truly remarkable is happening there. Iraqis for the first time are enjoying the fruits of economic freedom. Not

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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even a bomb blast at the Baghdad Hotel just a few blocks away from this now very busy commercial strip has dampened the growing activity. A number of our colleagues have traveled and are continuing to travel to Iraq, and they come back with those encouraging reports that we are just beginning to hear about these days.

Recently, ABC News reported that at one computer and data system company, trade is up 70 percent since sanctions were lifted in May. At the Al Farah used car lot, a 9-year-old Jeep sells for \$1,000 less today than when Saddam was in power. Meanwhile, government workers at a Karada Street match factory have seen their salaries soar fivefold. The manager tells the news agency, "Now my salary is much better . . . I can buy anything I want now."

There is much more. Portable generators are selling at discounted prices. Why? Because electricity has become more reliable. Indeed, washing machine and air-conditioner sales are brisk. In a particularly vivid example of how things have changed since the fall of Saddam, a local ice cream shop that used to serve almost exclusively Saddam's circle is now open to any local resident who comes in for that cold treat.

All of these stories are out there and they all point to the dramatic, remarkable changes that are underway that are associated with tasting freedom for the first time in decades.

One of the freedoms Iraqis have been most enthusiastic to exercise is the freedom to express their views. Pollsters for a new Gallup poll reported last week that Iraqis were pleading to share their opinions, and almost every Iraqi asked to participate in the survey volunteered to do so. Gallup's director of international polling told reporters that once they started talking, the Iraqis "went on and on."

It is not hard to imagine the exhilaration they must feel today, how their hearts must swell with the realization that they, for the first time in decades, are truly free—free from tyranny, free from torture, free from persecution, free to speak their minds and create a government of their own devising, for the people and by the people.

For the first time in a generation, the Iraqi people live free of the tyranny of Saddam Hussein. They have begun to develop democratic institutions of government. They are pursuing economic policies on trade and investment that are more liberal than any other country in the region. The Iraqi people have begun replacing that old Saddam currency with the new, unified dinar. They will have in their wallets a powerful symbol of their liberation, money to save or to spend as they choose, without Saddam's face mocking their hopes.

The Gallup poll I mentioned just a few minutes ago found that, even in Baghdad, the Iraqis want us to stay that course. That is because the Iraqis

now have an opportunity, as do we, to change the course of history and bring peace and stability to the heart of the Middle East.

For the sake of Iraq, for the sake of America, we must continue to fight for freedom. Our Declaration of Independence tells us that all men are created equal. Now, in Iraq, we have the opportunity to once again realize that essential truth.

I yield the floor.

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#### RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

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#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business until the hour of 10 a.m. with the time equally divided between the Senator from Texas, Mrs. HUTCHISON, or her designee, and the Democratic leader or his designee.

Who seeks recognition?  
The Senator from Ohio.

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#### ARMY PRIVATE FIRST CLASS BRANDEN F. OBERLEITNER

Mr. DEWINE. Mr. President, this past May, I came to the Senate Floor to commemorate the 58th Anniversary of the end of World War II in Europe. I had been asked by the surviving members of an Army Company—Company K of the 409th Regiment of the 103rd Infantry Division—to fly a flag over our U.S. Capitol building in honor of those in the company who died on the field of battle—those who did not return home—those who Bill Gleason, a Private in K Company, described this way:

Some in our Company were denied the chance to reach old age. They didn't make it to adulthood. They never were old enough to vote in an election. They died then—there in France or Germany. . . . They are frozen in time as they were—forever youthful.

I have again flown flags over our U.S. Capitol and am here today on the Floor of the United States Senate to pay tribute to another soldier—another soldier who did not make it home—another soldier who will remain forever youthful.

Private First Class Branden F. Oberleitner was born on June 18, 1982, in Columbus, OH. He grew up in nearby Worthington, OH, and graduated from Thomas Worthington High School in 2001, just two short years ago. He was a beloved member of his class.

As a kid growing up, many of his friends and family described Branden as "ornery"—as an independent kid who liked to do things his own way. He didn't feel a need to "follow the crowd." He enjoyed looking for crabs with his friends and taking trips to Kentucky to explore in some of the local caves.

Branden valued friendship. Once you were Branden's friend, you were always his friend.

He was loyal.

Branden had an innate ability to fix things. He could intuitively find solutions to problems. Branden was a gifted mechanic and loved to work on cars—especially the 1988 Delta Oldsmobile that seemed to occupy a permanent place in the family driveway. Branden's friend and classmate, Tyler Louk, remembers him elbow-deep in grease working on that car night after night after night.

Branden dreamed of opening a bike shop someday with one of his friends. They were going to fix Harley's.

During high school, Branden started taking firefighting classes at the Delaware Area Career Center. He met a man there named Keith Luce, a retired firefighter and now a firefighter and EMT trainer, who had been an airborne trooper in Vietnam. Keith became an important role model, mentor, and trusted friend. The two developed a tight bond. They had a great deal in common and just seemed to speak the same language. Branden looked up to Keith—he respected him.

With Keith's support and encouragement, Branden thrived in his firefighter training courses. He took to it. He was adept at it. He had found something that really interested him and something that he was good at and enjoyed—something he could make a career out of when he was finished with high school.

Branden's life was taking on whole new dimensions. He was becoming a grounded, disciplined young man, who learned to take time to think things through.

He became focused and developed a sense of responsibility for himself and an appreciation for the needs of others. He wanted to make something of his life—he wanted to help others—he wanted to be of service to others.

The tragic terrorist attacks of September 11, 2001, brought further clarity to Branden's life and his plans for the future. Angered by the vicious attacks and compelled to protect others from future terrorist strikes, Branden enlisted in the United States Army. He joined B Company, 2nd Battalion, 502nd Infantry Regiment of the 101st Airborne Assault Division, based out of Fort Campbell, KY.

The call to arms resonated with Branden. "That's all he wanted to do," said friend Kevin Earhart, who worked with Branden at a local gas station before he enlisted. Military service became his passion. He was a good soldier—regimented and resolute. He quickly earned the respect of his unit. Known as "Obie," Branden served as an infantryman and back-up medic, where he was regarded as being both tactically and technically proficient. All in his unit endorsed his application for Officer Candidate School. His Captain, William Riley, described him as "a shining example of what a soldier

should be." Family friend, William Owen described him as "a model soldier—a soldier others could count on, turn to, and laugh with."

This model soldier lost his life on June 5, 2003, when a rifle-propelled grenade hit his Humvee near the Sunni city of Fallujah, about 30 miles west of Baghdad. Branden and the rest of his Division were working to ensure the safety of U.S. peacekeeping forces on the ground in Iraq.

He was 20 years old.

As William Owen said at Branden's memorial service, "He has a Bronze Star, a Purple Heart, and the appreciation of all of us because he showed that Americans are not selfish, but selfless."

Branden Oberleitner was indeed selfless.

He defines honor.

He defines bravery.

He defines love of country.

As his father, Freeman Carmack said:

It was my honor to have watched him grow into the man he became: A loving brother, son, and proud member of the 101st Airborne Assault.

Branden Oberleitner grabbed a lot out of life in an all too short amount of time.

He lived life well. He it lived deeply. He lived it fully.

My thoughts and prayers remain with Branden's family—his mother, with whom he was especially close, Iris Oberleitner; his father Freeman; brothers Lawrence and Andrew; sister Grace; grandparents Mr. and Mrs. Frank Carmack; and grandmother Dora Fassler.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, are we now moving, under a previous order, to the Foreign Operations bill?

The PRESIDING OFFICER. Yes.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2800, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and

related programs for the fiscal year ending September 30, 2004, and for other purposes.

#### AMENDMENT NO. 1965

(Purpose: In the nature of a substitute)

Mr. MCCONNELL. Mr. President, I have a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1965.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the amendment be agreed to and considered as original text for the purposes of further amendment; further, that no points of order be waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1965) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MCCONNELL. Mr. President, my friend from Vermont and I come to floor today hoping we can dispose of the Foreign Operations bill in short order. That short order will not be today, but we believe we will have a limited number of amendments and, hopefully, an opportunity to wrap this bill up within a day or so—Monday or Tuesday.

Our respective staffs have been burning the midnight oil reviewing the amendments that we are aware of, and I strongly encourage all Senators to offer their amendments on Monday so we can wrap this bill up as quickly as possible.

Let me just say a very few words about the measure before us.

While the Senate's allocation is \$796 million below the President's request, it is also \$970 million above the House of Representatives. Unfortunately, our conference allocation will be closer to the House level, which will make conferring the bill that much more of a challenge.

This measure provides nearly \$1.4 billion for the President's new HIV/AIDS, tuberculosis, and malaria initiative for those programs under the subcommittee's jurisdiction, which is \$10 million above that request.

Up to \$250 million is available for a contribution to the global fund, and \$150 million is provided for the President's International Mother and Child HIV Prevention Initiative. This amount includes \$700 million for the Global AIDS Initiative.

It provides \$1 billion for the Millennium Challenge assistance, which is \$300 million below the request, and \$100 million for the famine fund.

The bill fully funds the request for numerous accounts, including international disaster assistance; transition initiatives; international narcotics control and law enforcement; migration and refugee assistance; non-proliferation, anti-terrorism, demining

and related programs; international military education and training; and international organizations and programs.

The bill provides increased funding for the Child Survival and Health Programs Fund, development assistance, assistance for Eastern Europe and the Baltic States, and assistance for the independent states of the former Soviet Union.

Given the \$796 million cut we had to make, this bill is below the request in the Economic Support Fund, Andean Counterdrug Initiative, Peace Corps, debt restructuring, foreign military financing, peacekeeping operations, and international financial institution accounts—all of those below the request. Most of those accounts are still funded, however, at or above their respective fiscal year 2003 levels.

Despite the cuts in the ESF and FMF accounts, full funding for Israel, Egypt, and Jordan is provided.

Let me say a word or two about the ACI and the Peace Corps. While ACI is funded at \$660 million, we provide authority to transfer \$37 million from the international narcotics account, resulting in a funding level that is equal to last year's. For the Peace Corps, we provide \$310 million and authority to transfer \$20 million from the Global AIDS Initiative to the Peace Corps for their HIV/AIDS activities abroad. This results in a funding level that is \$29 million below the request.

Let me close by thanking my good friend from Vermont for his input to this bill. I know he does not agree with everything in it. Frankly, I don't either. But we have worked hard to craft a bill born of compromise. I thank him for the cooperation and courtesy he continues to extend as the ranking member of this subcommittee.

With that, Mr. President, once again let me say we hope to pass this bill very shortly after Monday.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my good friend, the senior Senator from Kentucky, for his comments. I agree with him; I hope if people have amendments they will let us know right away. We will, of course, have the usual managers' package.

Like most appropriations bills, this is a work of compromise. My friend from Kentucky and I have worked together for many years. Sometimes he is the chairman, and sometimes I am. We find common ground and we write bipartisan bills, which is the tradition of the Appropriations Committee.

I thank Chairman MCCONNELL and his staff for working so cooperatively with me and my staff on this bill, and I urge all Members to support it.

I also thank Chairman STEVENS and Senator BYRD for the allocation that was given to us. While it falls short of the President's budget request, I know they did well by us under the circumstances.

Since the Senator from Kentucky has done a good job in summarizing the



bill, I want to mention a few highlights.

First, it adds \$23 million for child survival and health programs. These are the programs that provide life-saving vaccines for diseases like polio and measles—diseases that we hardly ever see in this country but which kill or cripple millions overseas.

These programs help stop the spread of viruses like Ebola and SARS, reduce needless pregnancy-related deaths, and provide aid to blind children and orphans.

Second, the bill increases funding for development assistance by \$78 million. These funds pay for everything from education, to agriculture research, to democracy building. This is the core of our foreign aid budget. The bill adds \$20 million for Eastern Europe and the former Soviet Union. Both Senator MCCONNELL and I feel strongly that the administration is reducing assistance to these regions too quickly.

The bill includes a very important provision to ensure greater transparency and accountability at the multilateral development banks.

As in the past, there are provisions which seek to promote human rights and the rule of law in Serbia, Central Asia, Latin America, and elsewhere.

I am concerned that much of the good work that Senator MCCONNELL has done on this bill could be undone by our conference allocation.

Even a split with the House allocation, which is \$17.1 billion, would lead to deep cuts in many programs that are important to the President and important to Senators.

Earlier this week, the memo from Secretary Rumsfeld reminded us all of the importance of foreign aid in combating terrorism.

In that memo he wrote:

Are we capturing, killing or deterring and dissuading more terrorists every day than the madrassas and the radical clerics are recruiting, training and deploying against us?

I suspect the answer to that question is no, and that should deeply concern each one of us.

Let me mention one example. In this bill we fund children's basic education. We use these funds to build schools and train teachers in countries such as Pakistan and Indonesia, to counter the influence of the madrassas.

One would think that a wealthy Nation like ours would spend billions on education, especially in Muslim countries. It is in our self-interest. But we could only provide \$220 million in this bill for education, which is a mere \$2 million above last year's level. It is also far less than most U.S. States spend, yet it is what we spend for the whole world.

There are many other examples of how this budget falls far short of what we should be doing to combat poverty and counter the influence of anti-American extremism.

Last wee, we passed a supplemental appropriations for Iraq. It included more than \$20 billion for reconstruction in that one country.

That is more than this entire foreign operations bill provides for the rest of the world.

If we are serious about building better relations with the Muslim world, and overcoming the hatred that is growing among the masses of impoverished people in those countries, we need to put our money where our mouths are.

The President's budget request for foreign operation is \$18.8 billion. This bill contains \$18.2 billion.

We have heard that our conference allocation may require us to cut hundreds of millions of dollars out of this bill.

If the President cares about this budget, he need to act now to protect it in conference. He needs to pick up the phone and call the Republican leadership in the House and Senate.

Without his help, deep cuts will be made to these programs. These cuts will not just hurt people overseas. They will hurt the United States.

I want to briefly mention the issue of AIDS. Chairman MCCONNELL and I did the best we could to increase funding for HIV/AIDS in this bill, but we simply did not have enough to get to the level that many Senators wanted.

We have to do more. This is the worst public health crisis in history. There will be an amendment on this issue later, and I will have more to say on it then.

Again, I wish all my jobs and assignments in the Senate were as easy as working with the distinguished senior Senator from Kentucky who is a close personal friend. While we come from different political philosophies, we join together in what we believe is in the best interests of the United States in this area.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I checked with the Democratic side. They have no objection to Senator DEWINE being able to send an amendment to the desk.

I ask unanimous consent that Senator DEWINE be permitted to send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1966

Mr. DEWINE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. DURBIN, Mr. COLEMAN, Mr. WARNER, Mr. DASCHLE, Mr. LEAHY, and Mr. GRAHAM of South Carolina, proposes an amendment numbered 1966.

Mr. DEWINE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase assistance to combat HIV/AIDS)

Insert where appropriate:

#### GLOBAL AIDS ASSISTANCE

SEC.—For an additional amount for "Global AIDS Initiative", \$289,000,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Mr. DEWINE. Mr. President, I rise this morning, along with my friends and colleagues, Senators DURBIN, COLEMAN, WARNER, DASCHLE, LEAHY, and GRAHAM of South Carolina, to offer an amendment that would increase this bill's current funding level for the global AIDS initiative by \$289 million. This additional funding would bring the total fiscal year 2004 allocation to \$2.4 billion. This \$2.4 billion would allow us to meet our goal of providing at least \$2 billion in bilateral aid, and it would also allow us to meet our current matching commitment to the Global Fund. This money in this amendment would be distributed by the new AIDS coordinator, Randall Tobias, for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, and malaria.

Mr. President, this clearly is the right thing to do. It is the right thing to do because AIDS is wiping out entire communities and, yes, we can truly say that AIDS has the potential to wipe out entire countries. It is the right thing to do because at least 8,000 people every single day—mothers, fathers, children, babies—are dying. And millions of others who are not on treatment, drugs, are suffering the painful effects of this disease.

It is the right thing to do because we, thank heavens, because of great medical science and research, now have the ability and the resources to fight HIV/AIDS. We need to do it, we cannot delay, and we must act.

We should be judged not just by what we do in society; I believe we should also be judged by what we don't do. We should be judged by what we are willing to tolerate. I say to my friends and colleagues in the Senate that we cannot tolerate inaction; we cannot, as a good and moral society, as a moral people, tolerate inaction. We, who have the ability to do something about this horrible crisis in the world today, must act.

With this amendment, we will be able to do so much good. So I say to my colleagues that we should not and we must not tolerate a world where so many people are suffering from HIV/AIDS. We must not tolerate a world where the suffering and dying occurs and we have the ability and the tools

to help make a difference and to save lives.

As we have discussed on the Senate floor before—and so many of my colleagues have talked about it—time is not on our side. People worldwide are dying this very moment. I have seen firsthand the devastation of HIV/AIDS. I know my colleague in the chair has, and I know so many of my other colleagues have as well.

My wife Fran and I have traveled to a number of the 14 countries that President Bush has named to be the primary recipients of the global HIV/AIDS fund money. I know many of my colleagues, such as majority leader BILL FRIST, Senators DURBIN, CHAFFEE, COLEMAN, ENZI, NELSON, WARNER, AL-EXANDER, and so many others, have also witnessed firsthand the effects of AIDS in these nations. I have seen it in Haiti many times. I have also seen it in Guyana, Mozambique, Botswana, South Africa, Namibia. I have held in my arms babies who were dying of the disease. I have met mothers who have lost their children through AIDS, and I have met children who have lost their parents to AIDS. When you do this, as other Members know, you then can put a face on it. It is no longer just statistics; it is real people.

When you come back home from those trips, you continue to see in your mind's eye those faces, and you see those children, and some of those children, after you get back home, in a few days or weeks are no longer on this Earth. When you put a face on it and you put names to this disease, the moral imperative in fighting it becomes very clear.

There are things we can do right now, at this very moment, to fight HIV/AIDS. Fighting this global AIDS crisis cannot be business as usual, and it cannot be bureaucracy as usual. We cannot treat this crisis the same way we have other problems. This is an emergency.

Truly, if there is anything that comes before us today on the Senate floor, this is an emergency. We don't have the luxury of time, as President Bush has said so eloquently. For each moment we delay, people die, and they die every moment.

In our travels, Fran and I have seen groups, organizations, and individuals who are ready now to receive our money and our assistance, and that is the good news for us. There are people out there ready to go to work and who are working now—organizations, doctors, and nurses who have the ability to take the resources we can give them and get the job done. They are ready to go into action to deal with the HIV/AIDS problem. It is heartwarming to see them and talk with them because they are already doing such good work. They have proven track records. They are ready to go, and we just need to get them the money and allow them to get about the business of saving lives.

As we do fight this disease, we cannot be timid. We cannot be afraid of failure. We need to take some chances.

In doing so, the reality is that there are going to be some mistakes made. This is a very big undertaking. No one has ever tried to do what we are doing in the world. The truth is, the world has not faced such a crisis. We probably have to go back in history to the bubonic plague or something in the Medieval period to see the world face such a medical crisis. The good news is, unlike those times, we have the ability to do something about it.

There will be some failures and there will be some foul-ups, but the fear of failure must not hold us back. We must move forward because lives are at stake.

There are several actions we can take now because we know they work. We talked about this on the Senate floor, but it is such a wonderful issue to talk about and such a wonderful thing to see in action, as I know the Chair and other Members have. We have the ability today to provide an HIV-positive pregnant woman with the care and drugs to ensure that she will not give birth to a child who is also HIV positive.

The statistics are very simple, the facts are very simple, and the remedy is so simple. If a woman today is pregnant and she is HIV positive, the odds are 30 percent she will give birth to a child who is HIV positive. In sub-Saharan Africa or in Haiti or in Guyana, there are programs today that will reduce those odds from 30 percent to 10 percent or as low as 5 percent or 4 percent. They can do that for as little as \$3 or \$4. I am not saying \$3 or \$4 a day, I am talking about the total cost of \$3 or \$4. That is phenomenal. For as little as \$3 or \$4 and for a little treatment and a little expertise and getting that mother in for treatment, we can save a child from being born HIV positive. We can save a child from being condemned to die a very tough and horrible death. We can do it. It is a miracle. So we must act.

These are some of the simple activities we can do, and do now, so long as the resources are available. This amendment will mean more people can be saved. It is as simple as that. More people will be saved by this amendment. In targeting health investments to fight HIV/AIDS, we can save lives. It is that simple. This amendment is an appropriate step, and I ask my colleagues for their support.

We will have the opportunity next week to further debate this amendment. As I conclude, I wish to thank all the cosponsors of this amendment. I thank Senator BILL FRIST who led our trip to Africa in August, which I think helped all of us fully understand not only the gravity of this crisis, but also it helped open our eyes to how many groups are out there, how many doctors are out there who have the ability to deliver the services and with whom we can work in the months ahead.

Yes, it is going to be tough. Yes, it is going to be difficult. We know the problems. We saw those problems. But

it also showed us good people are out there, organizations are out there, and it showed us there is a path to get this work done.

I thank Majority Leader FRIST for taking a number of Senators with him to Africa and helping educate all of us. In this work against AIDS, he is a medical doctor who truly understands this disease.

I also thank Senator RICK SANTORUM. Senator SANTORUM has been a true advocate of trying to increase the dollars we are spending on this AIDS initiative. It was his idea to come up with these dollar figures, to increase this bilateral support. He worked these numbers and worked these numbers. He and I have talked now for the last month, going back and forth. I thank him for his commitment, for his passion, and his work in this area. We would not be where we are today without Senator RICK SANTORUM.

Finally, I thank my colleague, Senator DICK DURBIN, who could not be on the Senate floor today but who will be back Monday. I talked with him just a few moments ago by phone. He is someone who cares very passionately. Senator DURBIN and I have offered two other amendments on the Senate floor in the past, both of which we have been able to adopt, and we have seen them make a difference.

I traveled with Senator DURBIN to Haiti. We worked on these problems in the past. He also cares passionately about this issue. He is someone who is very results oriented and someone who has made a difference in this field. I thank Senator DURBIN for his commitment to the children and his commitment to this issue.

I conclude by thanking my colleagues, Senator MCCONNELL and Senator LEAHY, for bringing a very good bill to the floor. This is a bill that a lot of people do not pay attention to, but it is a bill that does a tremendous amount of good around the world. It is an instrument of foreign policy, which is very important, but it is also a bill that saves lives every year, and it is a bill that spends U.S. money well to help our commitment to the children of the world, as well as making sure the United States is well represented around the world. I thank Senator MCCONNELL and Senator LEAHY for working in a bipartisan way to bring this bill to the Senate floor.

We will be back in the Chamber next week to talk further about this amendment. I thank my colleague from Kentucky.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, before the Senator leaves the floor, I wish to express my admiration to the Senator from Ohio for his passion and leadership on this issue, what is clearly the most important public health issue in the world today.

I listened carefully to his speech. It was quite moving, and I thank him for

what he is doing in this area. It is extremely important to the world.

Mr. DEWINE. I thank my colleague.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

Mr. LEAHY. Mr. President, the fiscal year 2004 foreign operations bill includes \$15,004,000 for a U.S. contribution to the International Fund for Agricultural Development, IFAD. Congress has been a strong supporter for IFAD since its inception, and these funds will enable IFAD to continue to expand its programs in the poorest countries.

Unfortunately, the Appropriations Committee report accompanying the bill neglected to address a concern which I suspect is shared by Senators on both sides of the aisle who support IFAD. IFAD is the seventh largest multilateral contributor to the enhanced Heavily Indebted Poor Countries Debt Initiative, HIPC DI. However, IFAD still does not have access to the core resources of the companion HIPC DI Trust Fund. Currently, IFAD has to absorb 87.2 percent of the cost for participating in HIPC DI, while other multilateral development banks with full access absorb much smaller percentages. For this reason, I urge the administration to work with other donors to enable IFAD to gain access to the core resources of the HIPC Trust Fund.

RULE OF LAW AND HUMAN RIGHTS PROGRAMS IN RUSSIA

Mr. LEAHY. Mr. President, page 45 of the committee report accompanying the fiscal year 2004 foreign operations bill, Senate Report 108-106, discusses rule of law and human rights programs in Russia. The report mentions the Russian American Judicial Partnership and the Russian American Rule of Law Consortium. The report failed to mention another important program, the American Bar Association's Central and East European Law Initiative, CEELI, which is involved in training Russian lawyers in the adversary system, law school curriculum development, and improvement of gender equity in the legal system. Each of these organizations is doing important work, and we want to be sure that despite the decline in our assistance program in Russia that funding for these types of programs are continued. There is no more effective way for the United States to contribute to the political and economic development of Russia than by strengthening the rule of law and respect for human rights.

COLLABORATIVE RESEARCH SUPPORT PROGRAMS

Mr. LEAHY. Mr. President, page 16 of the committee report accompanying the fiscal year 2004 foreign operations bill, Senate Report 108-106, discusses the Collaborative Research Support Programs. These programs, which involve 52 U.S. universities, have made immeasurable contributions in developing countries on a wide range of agriculture, environment, nutrition and development issues. USAID funds are leveraged with contributions from the universities and recipient countries.

For fiscal year 2003, the committee recommended funding for the CRSPs at a higher level than in fiscal year 2002. However, despite that recommendation, funding was essentially flat lined. For fiscal year 2004, the committee expresses its strong support for the CRSPs and recommends continued funding. I want to emphasize the importance of the CRSPs to the Congress, to the universities that participate, to the countries that benefit, and to U.S. foreign policy. We want USAID to expand its collaboration with U.S. universities that have research expertise on these issues. By that I mean that funding for the CRSPs should be increasing. An appropriate level for the CRSPs in fiscal year 2004 would be \$25 million. I also urge USAID to seriously consider allocating up to \$2 million to fund and establish a CRSP focused on water security.

AMERICAN UNIVERSITIES IN THE MIDDLE EAST

Mr. LEAHY. Mr. President, I want to clarify a sentence in the committee report, Report 108-106, accompanying S. 1426, the fiscal year 2004 foreign operations bill.

On page 38 of the report, under the heading "Middle East Partnership Initiative," the committee expresses support for using a portion of MEPI funds "for scholarships for needy Muslim students at the American University of Beirut." We do support that, but we intended to also mention the American University in Cairo and the Lebanese American University. Their omission was purely an oversight. I ask my friend from Kentucky, the subcommittee chairman, Senator MCCONNELL, if he agrees with me about this.

Mr. MCCONNELL. I do. My friend from Vermont is correct that this was an oversight. We intended to express support for the use of MEPI funds for scholarships for Muslim students at the other American universities in the Middle East, as well as at the American University of Beirut.

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IRAQ WAR

Mr. CONRAD. Mr. President, this morning's Washington Post has a

front-page story entitled "Inquiry Faults Intelligence on Iraq." The sub-headline says, "The Threat From Saddam Hussein Was Overstated, Senate Committee Report Finds."

Many of us who voted against going to war against Iraq believed it was not in the national security interest of the United States to attack Iraq at this moment; that instead we ought to keep our eye on the ball and keep the pressure on al-Qaida and Osama bin Laden because it was al-Qaida and Osama bin Laden who attacked America on September 11, not Iraq.

I think this morning's report has increasing evidence that it was simply a misplaced priority to attack Iraq rather than keeping our full resources directed at taking down al-Qaida and holding Osama bin Laden accountable for his vicious attack on this country.

If we look across the evidence, I believe in many ways the United States simply made a mistake of judgment on what was most important. The President and his advisers believed—and I believe they sincerely believed—that the priority was to go after Iraq. They believed there was some link between Iraq and al-Qaida.

I think the evidence was always very thin for that and, in fact, the more we know, the more clear it is there really were not any strong linkages between Iraq and al-Qaida. In fact, it is unlikely that there would be because Saddam Hussein was secular, Osama bin Laden is a fundamentalist. In many ways, they are enemies; they are at odds.

It is very interesting that if one goes out and tries to ascertain what people of the country think, the polling shows 70 percent of Americans believe Saddam Hussein was behind September 11. Over half believe that Iraqis were the hijackers of the planes.

The fact is, not a single Iraqi was among the hijackers of the airliners that were turned into flying bombs. The vast majority of the 19 hijackers were Saudi Arabians, as, of course, is Osama bin Laden. I think 15 of the 19 were Saudis. Two were from the United Arab Emirates and there were other countries involved as well, but not a single Iraqi. That is the fact.

Another thing, we have now the President himself saying there is no evidence of a Hussein tie to September 11. It is very important we get the facts right when we make these judgments about going to war, especially when we are going to go on a preemptive war, when we attack first, something we have never done in the entire history of the United States. We have never attacked, without somebody attacking us first or attacking our allies first, but in this case we attacked first. As the Intelligence Committee report this morning suggests, we did so based on faulty intelligence and faulty evidence.

Another assertion that was made repeatedly was that there was a terrorist camp in Iraq that members of al-Qaida went to, but we knew then and we know now that that camp is in this

place on the chart, which is the former Ansar al-Islam pocket. It is in Iraq. As this line shows, that camp is in a part of Iraq that Saddam Hussein did not control. In fact, this part of Iraq is controlled by the Kurds. The Kurds are our allies. So once again, this is a disturbing bit of information used in a way that I believe fundamentally misled people.

A second piece of intelligence was that Mohamed Atta, who was among the hijackers, supposedly met with the intelligence chief in Prague, in Czechoslovakia. That charge was repeated over and over.

Our intelligence agencies believe Mr. Atta was not in Prague at the time of that reported meeting. Instead, he was in the United States—again, evidence that simply does not support the case.

What we do know is that Osama bin Laden and al-Qaida organized that attack on the United States. That is who was responsible. That is who we should be going after.

The other thing that was asserted repeatedly was that there were weapons of mass destruction in Iraq. I do not fault the administration for making that case because, frankly, I believed there were probably biological and chemical weapons. I believed it because we know that the previous U.N. inspectors had catalogued weapons of mass destruction, biological and chemical weapons, but that was some years ago. Even then, there was no evidence that those weapons had been destroyed. So even though now we have not found them, I think it is understandable that people believed there were at least chemical and biological weapons.

The Soviet Union had biological and chemical weapons; we never attacked them. China had biological and chemical weapons; we did not attack them. North Korea has weapons of mass destruction, or at least they assert they do. We have not attacked them. In every one of those cases, we used containment. We used patience. We did not attack first.

In the case where we were attacked, we know who did that. It was not Iraq. It was not Iraqis. It was al-Qaida, led by Osama bin Laden.

It has now been 775 days since that attack on our country, and Osama bin Laden is still broadcasting tapes threatening Americans and our allies. It has been 775 days, and we have not brought him to justice. I believe that is the priority. I believe that should be our top goal. I believe we ought to find Osama bin Laden and the rest of the al-Qaida leadership and take them out.

Newsweek ran a story in which they identified a possible location in the Kunar Province between Afghanistan and Pakistan as a place where Osama bin Laden is reported to be hiding. This is a pretty small area of the country of Afghanistan, where they have narrowed it down through their investigative reporting as a place where Osama bin Laden is hiding.

What I find most disturbing is in that story, they said this:

... bin Laden appears to be not only alive, but thriving. And with America distracted in Iraq, and Pakistani President Pervez Musharraf leery of stirring up an Islamist backlash, there is no large-scale military force currently pursuing the chief culprit in the 9/11 attacks...

I am here today to ask why not? Why is there not a large military force with an operation underway to find Osama bin Laden and to bring him to justice? That ought to be our top priority. If we have been distracted by Iraq, then that is exactly what this Senator feared when I voted against authorizing going to war against Iraq at this time. That is exactly what concerned this Senator, that a preemptive war against Iraq—a country that had a low level of threat against this country, according to our own intelligence agencies—has distracted us from going after the man and the organization that attacked this country. It was not Iraqis who attacked this country; it was al-Qaida that attacked this country. Saddam Hussein was not the leader of that operation, Osama bin Laden was the leader of that operation. It has been 775 days since that vicious attack on this country and we still have not brought him to justice.

What is far more disturbing to me is there is, apparently, no large scale military force currently pursuing the chief culprit in the 9/11 attacks. Why not? I think the American people deserve an answer to that question. I think the Members of this Chamber deserve an answer to that question. Why is there not a large-scale military operation underway to find Osama bin Laden and to hold him to account? That ought to be the priority. That ought to be in the highest interests of the national security of the United States.

Osama bin Laden engineered the attack on this country. I must say, last weekend, to see him in another tape, bragging about the damage he has done to this country—outrageous, absolutely outrageous. Let's go get Osama bin Laden and those who attacked this country. That ought to be our highest national security priority.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

#### DENISE GREENLAW RAMONAS

Mr. LOTT. Mr. President, the Senate works well when it is served by very competent and dedicated staff members—on our personal staff, the people who operate the elevators, the security people, the policemen, but most importantly our staff at the committee level and here on the floor of the Senate.

Over the past few years, I think most of the staff members know how much I have appreciated their good work because I have taken the time occasionally to say so and because I tried to make the Senate a family-friendly place. Although they may look like just part of the furniture, there are really some fine, dedicated people who spend long hours here who really live outside this Chamber. Sometimes I see members of our floor staff in other parts of the Capitol complex, or at Pentagon City, and I am shocked to see them out of the cave they work in. Far too often, we don't take the time to say "thank you" and "job well done" because you have made us look good, because you have served some State in our great Nation well, and because you made America a better place.

So I am here today to say thank you to one of our dedicated staff members who has now retired and is moving on to her next life—probably the third generation of her very important life—one who has served us well and one whom I will miss seeing on the floor of the Senate every day. That person is Denise Greenlaw Ramonas.

I first got to know Denise because she lives in my neighborhood, but also because she was such a competent assistant to PETE DOMENICI. I noticed her when Senator DOMENICI, one of the most able legislators in this body, would come to the floor to handle a budget resolution or piece of legislation, perhaps from the Subcommittee on Energy that he serves on of the appropriations committee or something on behalf of New Mexico. There was this obviously competent staff member working with him in the Senate. I learned to talk to her and listen to her when she was in the Senate with PETE DOMENICI.

Over the years, I got to know more about Denise. Denise is from Utah. She graduated from the University of Utah College of Law, receiving her juris doctorate degree. She also graduated magna cum laude from undergraduate school. She has had a number of outstanding experiences in her life including serving as a law clerk in a Houston law firm, one of the best in the state, the Boswell, O'Toole and Pickering law firm. She has been an instructor at the University of Utah College of Business. That clearly is an interesting experience. To be an instructor you have to know your subject matter and you get to work with young people. I have learned from personal experience, sometimes hard experience, students are tougher in their questioning than people you might talk to at a chamber of commerce or civic club. Being a professor is a challenge, I am sure.

She has worked for the Department of Business Regulation for the State of Utah. She was an adjunct professor, City College of Chicago, in West Berlin and Weisbaden, Germany. She also has a business on the side selling a line of women's clothes.

Beginning in 1982, she served as legislative assistant to Senator PETE

DOMENICI, as I noted. She was legislative director to Senator DOMENICI from 1985 to 1991. Obviously she developed and executed legislative strategies on a wide range of domestic and international issues, including tax reform issues, the omnibus trade bill of 1998, the United States-Canada Free Trade Agreement, and gained a lot of valuable experience in that position with Senator DOMENICI. She was counsel to the minority for the Senate Budget Committee where she worked the closest with Senator DOMENICI but a lot of Senators, Democrats and Republicans, learned to know her and respect her.

Finally, from 1992 to 1996, she was general counsel to the Senate Budget Committee, a committee that has played a huge part in what the Senate has done over the last 20 years. Keep in mind, we did not have a Budget Committee until the late 1970s because we never got around to having a process where we add up how much we take in and how much we send out. Senator DOMENICI deserves a lot of credit for us eventually moving for the first time in 30 years to balanced budgets in the late 1990s and early in this century. Right there beside him, time and time again, was Denise Ramonas.

As majority leader, you do have some staff turnover occasionally and when we had a retirement here on our floor staff in 2001, I stole, once again from Senator DOMENICI, a great staff member. Over the years I think I have acquired about three of Senator DOMENICI's former staff members, and Denise Ramonas became assistant secretary to the majority serving on the floor, keeping track of the flow of legislation, making sure Senators were properly notified, keeping track of the votes. It is a demanding job with long hours, dealing with a clientele that is not always pleasant. But she did it with a smile, with a radiant beauty and with a high intellect. She served in that position from 2001 to October the 10th, I believe, was her final day.

I wish nothing but the best for Denise as she goes forward into the rest of her life seeking other opportunities. I am sure she will find some good ones and it will be rewarding to her.

I also thank her for her dedicated service over the years to this institution, particularly her years on the Senate floor. She did a great job. I personally appreciated it. So to Denise and her loved ones, I say a fond adieu and a great deal of thanks for your service here. I hope she will stay in touch with the Senate, with the Senators, and maybe even we will find a way to call on her services again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO THE LATE SENATOR PAUL WELLSTONE

Mr. DAYTON. Mr. President, I want to thank the distinguished majority leader for setting aside time today for those of us who wish to share our tributes and thoughts regarding our colleague who, 1 year ago tomorrow, passed away in a tragic plane crash, Senator Paul Wellstone.

Paul was a friend of mine for over 20 years and my colleague, mentor, and partner here for the first 2 years of my term. It is hard to believe it was a year ago now that he boarded a small charter plane to go up to northern Minnesota and somehow, impossibly and horribly, it crashed as it was trying to land there. It was demolished by the impact and by a fire that killed all eight people on board—Senator Wellstone; his wife and partner of 39 years Sheila; his daughter Marcia; the associate chair of the Minnesota Democratic Party, Mary McEvoy; and two of Paul's trusted aides, Tom Lapic and Will McLaughlin; as well as the plane's two pilots.

I have felt deep sadness and futile anger many times as I have entered this Chamber during the past year and as I walk by Paul's desk—which to me will always be Paul's desk. I have always felt his absence at caucus lunches, committee hearings, and policy debates. Always I miss his courage, his eloquence, his passion, and his deep caring for other people and their well-being, especially for all the people who have most often been ignored or forgotten in the stampedes of the rich and powerful, which occur regularly around here.

Thousands of Minnesotans and other Americans have felt similar grief, despair, anger, hopelessness, and profound loss during this past year. No one in my lifetime has meant so much to so many people in Minnesota as Paul and Sheila Wellstone.

Paul once wrote that politics is not about left, right, or center; it is about speaking to the concerns and circumstances of people's lives. Paul practiced what he preached. He was both by gut instinct and by reasoned conviction a man of the people. The rich and the famous held no special sway over him. Senatorial trappings, perks, and offerings did not appeal to him.

Instead, he was drawn to the real people, everyday Americans going about their business in their homes, schools, farms, offices, and union halls. They were the people who aroused his personal passions and instructed his political purposes. Their misfortunes became his causes. Their injustices forged his remedies. Their hopes and dreams inspired his orations. He was their Senator, their champion, and their hero.

Paul liked to say he was the Senator for the little fellows, as he jokingly pointed at his own height. He may have been short, but he was in every other respect a big, big man, with a big heart, big ideas, big courage.

He became a towering political leader. His popularity and prestige were enormous in Minnesota, and they were growing nationwide, especially with people who were hungry for real leadership. Had he lived and had he won reelection, his star would be shining even more brightly than ever before, which is why the darkness surrounding his absence is so hard to bear for his family, his friends, and his followers.

His best was still to come. He understood, as he said, that people yearned for a politics that speaks to and includes them and that offers them something real. As Paul admonished his colleagues, especially those of us in his own caucus, the question is not how to communicate our agenda but whether we have an agenda worth communicating. Paul did.

Nothing illustrated better his greatness, his unfailing ability to rise up to the challenge, to summon his courage, and to act rightly than one of his last votes in the Senate a year ago. The Senate was about to begin its consideration of a resolution authorizing the President to initiate military action against Iraq. Paul was in the final weeks of a very tough reelection contest against my distinguished colleague from Minnesota who is presiding at this moment, and many of his friends and political advisers were urging Paul to support this resolution. Doing so, they said, would assure his victory. Voting against it, they warned, could seal his defeat.

Paul was still wrestling with this decision when an article appeared in one of the Capitol press reports which quoted an unnamed Senate aide as saying the Democratic caucus was trying to devise a political cover to help Paul and others in close reelections finesse this tough vote.

At a caucus meeting later that day, Paul was as furious as I had ever seen him. He wasn't seeking anyone's cover, he fumed. He had never tried to duck a difficult vote, and he refused to do so now. He finished by saying: Whether Minnesotans agree with my decisions or not, they know I am doing what I believe is right. If I lose that trust, I have lost everything.

He left the meeting and went straight to the Senate floor and gave a powerful speech announcing he would vote against any resolution which gave the President complete and unilateral authority to start the war in Iraq.

In the following days, his last days on Earth, Paul was the most relaxed and upbeat I had seen him since his reelection campaign began. He was, of course, delighted with what he said were poll numbers which had boosted his standing after making that speech but, more importantly, he knew he had done what he believed was right. Principle had again prevailed over expediency. His integrity, his courage to stand up for his convictions, and his inspiring eloquence in speaking the truth were the essence of what he offered to the voters of Minnesota, and he knew

he had reestablished that connection, that special bond that he and only he had with so many Minnesotans.

He boarded that plane a year ago tomorrow, hopeful and optimistic of a victory in 11 days. That we will never know. But I say: Paul, you were right. You were and you always will be a winner.

Ernest Hemmingway, in his book "Farewell to Arms," wrote:

Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential vital quality of those who seek to change a world which yields most painfully to change.

The Senate body recognized Paul's rare greatness last year by authorizing \$10 million for a project selected by Paul and Sheila's two surviving sons, David and Mark Wellstone, the Neighborhood House in St. Paul. Mr. President, \$8.9 million was appropriated for fiscal year 2003 through the good efforts of my colleague, Senator COLEMAN. He and I share the hope that the remaining \$1.1 million, to fulfill the Senate's commitment, will be appropriated for fiscal year 2004. It is a wonderful project, and it will benefit many people in Paul and Sheila's name for many years to come.

We can do something even more significant, even more befitting Paul's memory. We can pass the legislative initiative that was closest to his heart and to which he devoted himself in the last 5 years of his life, and that is mental health parity.

Senator DOMENICI, whose personal dedication to this just cause equals Paul's, has carried that torch forward. He has been joined by Senator KENNEDY who, like Paul, has also championed so many efforts to help those among us who are most in need. Senator DOMENICI informed me this week he is optimistic the bill will be considered by the Health, Education, Labor, and Pensions Committee within the next 2 weeks, and hopefully will be passed out of that committee and put on the Senate calendar where it might even be taken up and acted upon this year.

That is incredibly good news for Paul and Sheila's families for whom this means so much. It is incredibly good news to the many organizations throughout the country that have joined to help support and enact this critically important and needed legislation. It is most incredibly good news to the many Americans who will benefit from it, who will finally have access to the health care they need at prices they can afford.

Even then, however, the bill faces major obstacles. The House leadership is reportedly opposed to it; the White House is supposedly against it; the insurance companies hate it; and many health care providers would also prefer that it just not be passed.

So nothing has changed down here, Paul. It is the same battle: Profits for

the bigger fellows versus services for the little fellows. Only this time, Paul Wellstone will not be able to champion the cause for the little fellows. He cannot come to this Senate floor every month, week, or even every day, if necessary, to remind us, to challenge us, to cajole us, to do what is best for most of our constituents. So all of us must do it without him and do it for him. Surely we can find it within ourselves to vote once for something to which Paul gave his entire life, and his life itself.

So, my friend and colleague, we will go on missing you. We will do our best without you to advance the causes which you have championed.

Somehow saying "rest in peace" does not seem to fit your style. So instead, I hope there is a great debating hall up in heaven, that you are seated with other great Senate voices such as Daniel Webster and Henry Clay. I hope your microphone cord is long enough for you to roam while you speak and that there are no time agreements limiting debate. Please keep your eye on the rest of us down here and, if you can, send us a little of your wisdom and your inspiration, especially when we face the choices between principles and expediency, profits and people, between what is easiest for us and what is best for everyone else, the people we are elected to serve. Keep reminding us, if you will, that as once said, inasmuch as ye have done so unto the least of these thy brethren, ye have done so unto me.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I rise today to pay tribute to a friend and former colleague, Paul Wellstone. I know we have just heard from the distinguished Senator from Minnesota, and I listened carefully to his message. He conveyed so much of what we all feel.

The Senator from Minnesota had the privilege of knowing Paul Wellstone very well, and that was indeed a privilege because everybody with whom he worked knew what an unusual and—I will use a trite word—fantastic fellow he was as a person.

It hardly seems possible that a year has passed since we received the terrible news that Paul and Sheila, his beloved wife—they were a great team—their daughter Marcia, and loyal staff members Tom Lapic, Mary McEvoy, and Will McLaughlin were also lost in that tragic plane crash. The crash also claimed the lives of the two pilots, Richard Conry and Michael Guess.

This weekend marks the first anniversary of this immeasurable loss to

our country, and we pause for a moment to honor the memory of these extraordinary individuals. Our thoughts and prayers go out to their families and their loved ones.

Paul and Sheila Wellstone devoted their lives to giving a voice to the voiceless. He saw his mission in the Senate and his life as comforting the afflicted and, when necessary, afflicting the comfortable. That was Paul Wellstone in a nutshell. In social justice circles, it is called speaking truth to power.

Everyone admired Paul for the fact that he spoke from his heart. He cast his votes in this Chamber based on his deep beliefs. He had a strong moral compass, unwavering in his convictions, never changing his message to please any particular audience. One of his favorite expressions in that connection was an old Jewish proverb that you cannot dance at two weddings at the same time. He was always answering to the mission that he believed could mean something to most people.

He conformed his style somewhat after coming to the Senate, but he never sold out. He always had that kind of impish look, a half smile on his face, but often at the same time with a deeply furrowed brow. He never joined the establishment. He just had diplomatic relations with it.

During his time in the Senate, Paul led legislative battles to make health care more accessible, protect seniors' pensions from corporate raiders, and authored historic ethics and lobbying reform legislation that is now the law of the land. He has forever changed how we do business here on Capitol Hill.

He and Sheila were leaders in combating the scourge of domestic violence. Sheila was a working member of Paul's office and became a respected national voice in her own right as she traveled the country, dedicating herself to this important cause. In the year 2000, Paul teamed with his colleagues on the other side of the aisle to pass historic bipartisan legislation to prevent the international sex trafficking of women and girls, establishing the first ever penalty for those so despicable as to enslave and traffic in other people.

He teamed with our colleague, Senator DOMENICI, to require health insurance companies to provide more equitable coverage and benefits to people suffering from mental illness. It was the right thing to do, it was the fair thing to do, and he prevailed.

It is my hope that before the end of this Congress we are going to honor Paul Wellstone's fighting, fair-minded spirit by passing the Paul Wellstone Mental Health Parity Act into law. It would also be the right thing to do.

Paul Wellstone deeply loved his country and, speaking from my view of Paul Wellstone, his country loved him. Many people who did not know him as we had the privilege of doing, would so much respect him from hearing his

fiery oration about what was right. And he stood up to anybody. He was willing to be the odd person out when it came to issues of significance. He wanted them always to be right.

He demanded that we be the best that we can be and was never more passionate than when he was trying to right a wrong, holding up a mirror to a government that has not always kept its promises—especially to its veterans. Paul worked tirelessly on behalf of veterans, helping to pass legislation to aid homeless veterans and to secure compensation for atomic veterans suffering from cancers due to radiation exposure during their military service.

In Paul's words:

I am very proud that atomic veterans and their families will finally get the VA benefits and compensation they deserve, and also the recognition of the terrible personal sacrifices that they made on behalf of the nation, so long denied to them.

He continued:

This has been a long fight, but one that was well worth it. This was a victory, not only for atomic veterans, it was a victory for justice, and for all of our Nation's citizen-soldiers. America is a safer place because of it.

One of the last votes Paul cast in this Chamber was for a multilateral approach to our situation in Iraq. During the debate, he argued as follows:

Acting now on our own might be a sign of our power. Acting sensibly and in a measured way, in concert with our allies, with bipartisan congressional support, would be a sign of our strength.

Paul Wellstone will long be remembered for his strength: for his strength of mind, strength of spirit, and the steely tenacity and strength of his convictions. What gifts he gave to us all. He will forever be missed.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I rise today to commemorate the life of Senator Paul Wellstone and to urge the Senate Republican leadership to pave the way for the expeditious passage of the Paul Wellstone Mental Health Parity Act.

Earlier this week, I joined a number of my colleagues in sending a letter to the majority leader, urging him to set aside other business yesterday so we could take up and pass this very important legislation. I regret that could not be accomplished yesterday.

This Saturday, October 25, marks the 1-year anniversary of the tragic death of our dear colleague, Paul Wellstone, his lovely wife Sheila, and six others: his daughter Marcia; Mary McEvoy of St. Paul, a professor of educational psychology at the University of Minnesota and also the associate chair-

woman of the State Democratic-Farmer-Labor Party; Tom Lapic, of Eden Prairie—Tom was Senator Wellstone's deputy State director and long-time associate and aide, and William McLaughlin, a 23-year-old who was Senator Wellstone's personal assistant and driver.

All of these individuals were dedicated, passionate public servants who shared Paul Wellstone's vision, his dedication and commitment to a better America, a place where opportunity was the heritage of all. For anyone who had the honor to serve with Paul and to see him here, his image and his memory still linger in this Chamber. To see him passionately and fearlessly fight for people—and not the wealthiest, but poorest, those who needed an opportunity to move ahead—that image of him stays with me and stays with so many of my colleagues.

Many times we would not agree. Many times we would differ. But no one in this Chamber doubted his passion, his commitment, and his selfless dedication to this country. He challenged us. In fact, Paul probably challenged his colleagues more than any other Member.

He would speak here when it was inopportune and inconvenient for him, but he would do it because he felt a commitment and a need to speak, to give voice to those who were voiceless in this country.

He believed the Government had not only the obligation but also the ability to help people—not just to cradle them from birth through their lives but to give them opportunities and skills so they could use these skills to better themselves and better the Nation.

He was enthusiastic about helping people lift themselves out of poverty, about bringing justice to those who had been victimized, and hope to those who were desperate.

He cared about all the issues that are before us in the Senate. But one issue he cared so much about, for which he advocated so strenuously and which he articulated so passionately, was the fact that our mental health system needs additional improvement; that there is disparity between the treatment given to those with physical pain and treatments given to those individuals with mental anguish.

He also was passionate in denouncing the stigma we attach to mental illness too often in this country. He fought effectively, and his efforts culminated in 1996 with the original Mental Health Parity Act. It was thought that this historic bill that would put mental health services on the same level as physical health services by essentially telling insurers whatever you do in terms of physical health problems you must also do in terms of mental health problems. However, it was discovered after passage of the Act that insurance companies and others were able to find ways to circumvent the law, so additional efforts would be necessary.

He stood up, along with our colleague and our friend Senator PETE DOMENICI

of New Mexico, to lead the fight to make the parity law of 1996 even better, more effective, and stronger.

Last summer it appeared we were on the verge of a breakthrough when President Bush indicated he supported this concept of a mental health parity standard. Yet we are still without effective action.

I was very pleased to join Senator DOMENICI, Senator KENNEDY, and others to sign on to the Paul Wellstone Mental Health Equitable Treatment Act in honor of our esteemed colleague. But today, despite having 66 cosponsors, this legislation has not been brought to the floor of the Senate. We are indeed seeing tremendous strains on our health care system, but this is one of the most critical problems. There are those who say it is going to cost too much if we address mental health parity seriously. My argument is the costs today are immense, and if we don't deal with these mental health issues, it will continue to grow.

In my State of Rhode Island, we have a very active community mental health system. I suggest we probably have saved dollars over the course of the last couple of decades. But we can't do this unless we have a commitment to parity between physical health issues and mental health issues.

The majority leader has indicated that his preference is to do this through the committee process. We have a markup scheduled for next Wednesday on health care issues. That would be the ideal opportunity to schedule the Paul Wellstone legislation and do our best to pass it. Working with the majority leader and the chairman of the HELP committee, I hope we can do that, or certainly at the earliest possible opportunity have committee action to take up the Paul Wellstone bill.

There is one other area which Senator Wellstone was passionate about. In fact, I can hear him now. His desk was right behind me. He would prowl up and down the corridor, and go as far as the cord would let him go. He would speak out. One issue on which he spoke so eloquently was the issue of funding education—the No Child Left Behind Act. He was one of the few dissenters. He said prophetically this might be a good plan, but without resources it wouldn't work. Ironically, today we struggle to get those resources. He would say, we can't reform education on a tin cup. Unfortunately, we still seem to be passing around that tin cup rather than funding education robustly as we must.

I hope we can move aggressively on the Paul Wellstone Mental Health Parity Act. I hope also we can find those resources to fund education and the No Child Left Behind Act. In doing that, we will pay tribute to a Senator who honored us and honored his country with his public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.



Mr. HARKIN. Madam President, I join with my colleagues here on the Senate floor today to mark the 1-year anniversary of the tragic death of our friend and beloved colleague, Paul Wellstone, and his wife Sheila.

As I look around the Chamber here in the Senate today, I see men and women of remarkable talents and ability. It is kind of a family here in the Senate. Regardless of our ideological beliefs or party preferences, we all understand what we went through to get here and how we work and what we have to do. We have our differences. We meet, we argue, and we vote. But underneath it all, the Senate is kind of a family. That is good. Like all families, we may have our squabbles, but like a family, I have a strong sense there is kind of a void in our midst. A very special Senator, a Member who played a unique role in this body, is missing. It is as though we are suffering from the phantom-limb syndrome. The phantom-limb syndrome is when a person loses a limb, and even as time goes on, sometimes it feels like it is there. When an issue of moral urgency and an issue of conscience comes to the Senate floor, I still expect to see Paul standing over there chopping the air with his hands, speaking with his own unique special passion, and urging us to do the right thing. Yes, it is like we have the phantom-limb syndrome. Once in a while, you expect to hear Paul speaking out here. He was truly the soul of the Senate.

No one wore the title of Senator better or used it less. He loved ordinary folks. Strangers would come up to him and call him Paul. I can't tell you how many times I would walk off the Senate floor and down the steps with him. We would go together back to the Hart Building or someplace. Policemen would come up. They might say Senator HARKIN, but they always called him Paul. People working on the grounds called him Paul. He took that as a sign that ordinary people knew he was one of them; that he was approachable; that he cared, all of which was Paul Wellstone to the core.

Paul had so many friends in my State of Iowa. Iowans knew him personally, and many more Iowans felt they knew him personally. I often said before his death and after that he was one of my best friends in and out of the State. But in truth, Paul Wellstone was one of those rare souls who so many saw as their best friend.

He had a powerful authenticity about him that made a miner on the Iron Range know he was as important to Paul as the President of the United States. Paul never had to proclaim his decency. It shone forth in great acts of political courage and in small acts of human kindness. He never had to say he cared. He never had to proclaim his compassion. We saw these qualities in him every day in dozens of ways—from his passionate speeches here on the Senate floor, standing up for those who otherwise had no voice, to the count-

less people he reached out to hug and to hear and to help all across Minnesota and all across the Nation.

Thirty years later, he retraced Robert Kennedy's journey to places of hunger and hurt in the heart of America. The hard-working folks he cared about most didn't have lobbyists or influence or money. But they had Paul Wellstone, and he truly was their best friend.

Paul always had a great sense of humor and a sense of perspective. He never took himself too seriously. One of his favorite stories, which I heard him tell many times, was the story of one of his early Senate speeches which he thought was rather eloquent and passionate. You can read about it in his book, "Conscience of a Liberal." Our friend, the senior Senator from South Carolina, who sits across the aisle from me, FRITZ HOLLINGS, approached him after the speech and said, "Young man, you remind me of Hubert Humphrey." Paul, as he told the story, swelled up with pride and thought this was wonderful until Senator HOLLINGS said, "You talk too much." Paul would love to tell that story. He would get that big grin and his eyes would squint and he would roar with laughter. As I said, he never took himself seriously.

Paul may have talked a lot, but he meant every word. He showed us that way to lead is by following your conscience. When injustice was proposed or unfairness was advancing or selfishness was on the march, Paul would go into battle. It was OK with him if he went into battle all by himself. Paul Wellstone may have suffered from a bad back, but he had a spine of steel.

Paul was the soul of the Senate. He believed politics could truly be a noble profession, putting principle above polls. Sometimes he cast votes that even some of his friends disagreed with—on war, welfare, education. And when he did, he was the mirror in which we, his colleagues, looked at ourselves and searched our own hearts as to the correctness of our own positions.

So 1 year later, we remember this political science professor whose measure of truth was never in political theory but in the impact our decisions have on real people. We remember the community organizer, the farm organizer, who understood how to bring people together, rural and urban, environmentalists and labor, Republicans and Democrats and, as I have often said, even Minnesotans and Iowans. We remember a leader, a proud Democratic-Farmer-Labor Party, a liberal who constantly reminded those who are Democrats that the real center of gravity of our party, the progressive ground of our being, is everyone should have a chance to reach their full potential.

We remember a man of principle who for all his convictions also had the rarest of gifts in politics: Paul actually sometimes came to the conclusion that the other person was right. He could partner with TED KENNEDY or PETE

DOMENICI. He could fearlessly oppose Senator Jesse Helms' views yet become Jesse Helms' friend. It was all perfectly consistent with his guiding star. The decency Paul Wellstone demanded of society was the decency he lived out in his own life.

Paul once said politics is about what we create about what we do, what we hope for, and what we dare to imagine. Paul Wellstone did not just dare to imagine a better America, he helped to build one. Sure, he was willing to fight the lonely fight if he thought it was the right thing to do, but he also knew how to turn idealism into ideas and ideas into actions to improve people's lives: investing in education, expanding health care, fighting killer diseases like Parkinson's, helping homeless veterans and veterans exposed to radiation. Thanks to his hard work in the Senate, farmers have a better future. Because of what he demanded, mental illness will some day be treated equally in our health care system. Because of who he married, Sheila, and because of Sheila's passionate charge, more women and children will find safe harbor from the scourge of domestic abuse.

Paul was a hopeful man. His campaign colors were always green. I always thought that was the color of springtime. It is also the color of hope. This picture captures Paul and Sheila Wellstone, standing on that green bus with all kinds of people around him, smiling, with Sheila standing by his side, and the American flag over his head waving proudly, with a big smile on his face. That was Paul Wellstone.

He bought this bus 13 years ago and used it in his campaigns time and time again. I often said he got that bus on his journey to build a better America. But he never wanted to be on the bus by himself. He never meant it to be a solo voyage. He wanted us all on board that bus.

Although Paul is no longer with us, we all must get on that bus, the bus of hope, the bus leading to a better America, a bus that is on a journey for justice, equality, a bus that is on a journey to ensure every individual in our society, no matter the circumstances of birth, has the potential to reach his or her full potential.

As we listen to the tributes this morning, it is clear our memories of Paul Wellstone remain rich and warm. His spirit is still very much with us. He still inspires us. He still calls us to conscience. He still makes us smile when we think of his puckish humor.

Today, 1 year later, let's agree that our period of grieving has passed. The darkness has dissipated. What remains is the light Paul radiated every day in this Chamber. He was truly the finest of human nature.

In addition to Paul and Sheila, six other wonderful people died in that plane crash 1 year ago. Paul would not want us 1 year later to just remember him or to just remember him and Sheila, because as he always said, we are all



part of his family, the campaign workers, the people who flew him around. So we remember them, too: Their daughter, Marcia; Tom Lopic, who died, and was Paul's long-time trusted aide and served many years in Paul's Senate offices here in Washington and St. Paul. We remember and miss Tom today. He was also a member of our Senate family. We remember Mary McEvoy, a professor of early childhood education at the University of Minnesota, always by Sheila Wellstone's side; Will McLaughlin, 23 years old, Paul's driver. Again, Paul always reached out to bring young people into politics. We remember the two pilots, Richard Conry and Michael Guess, of that ill-fated plane.

Finally, there is one piece of Paul's legacy that is not complete, and it has been spoken of by the Senator from Minnesota, Mr. DAYTON, and I just heard Senator REED speak about it, and I know Senator LAUTENBERG spoke about it: the issue of mental health parity. Paul worked tirelessly to overcome the barriers to mental health treatment. Specifically, he championed legislation that would require group health plans to treat mental health benefits as generously as they do surgical or medical benefits. If Paul were here this morning, he would remind us how crucially important this is to millions of Americans. He and Sheila never faltered on this issue.

I can think of no better way to honor Paul's memory and to complete his legacy than to pass the Paul Wellstone Mental Health Equitable Treatment Act in this Congress. This bill passed the Senate overwhelmingly in the last Congress. It was attached to the appropriations bill in Labor, Health and Human Services, and Education Subcommittee. We took it to conference and the conferees would not agree to adopt it, but we were given assurances this would be addressed. Paul Wellstone was given assurances this would be addressed, that we would pass it in a form—maybe not in an appropriations bill—but pass it in a form that would then go to the House.

The bill today is supported by an overwhelming number of Senators. Madam President, 67 Senators now are supporting this bill, Republicans and Democrats, including 18 Republicans—at least that is my count on it anyway. So with that many supporting the bill, you would think we would not have much problem getting it through. The American people want this bill desperately. They have waited too long for its passage.

According to the Surgeon General's report, mental disorders collectively account for 15 percent of the overall burden of disease from all causes, and it is even more than the burden associated with all forms of cancer in our society. And yet, how many people burdened with mental disorders cannot get the help they need because their insurance carrier does not cover it and they cannot afford it?

We all know what happens. We know what happens when people have mental problems and they are not treated—things degenerate, families break up, domestic abuse happens, people lose their lives. Sometimes people are thrown in prison for long periods of time because in the beginning they did not get mental health treatment.

I have seen some figures that indicate that close to half of the people serving long-term prison sentences today are there because they have mental disorders—depression, schizophrenia, bipolar illnesses—which led them through a series of stages that culminated in probably some heinous crime. But in the beginning they did not get the mental health they needed.

So we have waited too long. It is critical we find an opportunity to bring up this bill and pass it before we adjourn this year.

Next week, the HELP Committee, of which I am a member, will be marking up legislation that will provide for parity in insurance coverage for recreational activities, such as riding a motorcycle or skiing. In other words, your insurance carrier has to give you the same coverage for any kind of injury that would happen to you if you were skiing or riding a motorcycle, or something like that, as if it happened purely accidentally some other way. It begs credulity that somehow we can cover that but cannot give mental health parity to people who, through no fault of their own, are suffering from mental illness in our country.

It is this Senator's intention to try to attach this bill to this piece of legislation. We have waited too long. I have been hearing all year that soon we are going to bring up this bill. We have 67 Senators on it. We have waited too long. It is the legacy of Paul Wellstone. We are going to get it passed. And yet, days go by, weeks go by, months go by, and nothing happens.

Now, I am too respectful of the Senate and of the agreements that are reached here to ask unanimous consent that we bring it up and pass it today. Some have suggested we do that in honor of Paul Wellstone, but I know that most Senators are not present. We are not voting today.

But I will say this. There will be some time before we leave this year when I intend to bring up the Mental Health Equitable Treatment Act and seek a vote on it, either through committee or on the floor, and somehow try to get it into a conference with the House before the year ends.

President Bush said last spring that he supported mental health parity. So if the White House supports it and the President supports it, and we have so many Senators and Members of the House support it, what is stopping us?

I know some of the big insurance companies and others are kind of opposed to it, but all of the studies we have seen show this is cost-effective. According to SAMHSA, undertreated and untreated mental disorders are

costing this Nation over \$200 billion a year in lost work, crimes, and incarceration. It is a huge impact on our society, and we have to respond. That is why we have to bring up this bill and get it passed.

I can think of no better time in which to talk about it—and to state, unequivocally, we are going to have a vote on this bill this year—than on this the first anniversary of the death of our beloved colleague, Paul Wellstone, his wife, and those who were with them on that tragic day.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, a number of us have come to the floor today to remember and celebrate someone most of us knew and many of us loved. Paul Wellstone believed that politics is about more than money; it is about more than power. As he said so often, in the last analysis politics is what we create by what we do, by what we hope for, by what we dare to imagine. Paul Wellstone dared to imagine so much.

There is a quote he loved from the famous abolitionist, Wendell Phillips. One day, after Phillips had given a speech, a friend told him: Wendell, you were on fire.

Phillips replied: Brother, I'm on fire because I have mountains of ice before me to melt.

Paul Wellstone saw good in everyone, including people whose politics he disagreed with strongly and who disagreed just as strongly with him, but Paul also saw injustice and he had the fire and the conviction to end it.

He used his wit, his charm, his astonishing organizing abilities and every ounce of his hyperkinetic energy to fight for people with few champions in places of power. He fought for family farmers on the edge of foreclosure. He fought for workers facing layoffs, for older people trying to decide which prescription to fill this month. He and Sheila, his indispensable partner, fought for women and children threatened by violence. He fought for teachers and coal miners, for Vietnam veterans. He fought for immigrant parents who work at less than minimum wage jobs and who worry about not being able to give their children what they need. He listened to them and looked them in the eye, and when he did he used to say he saw his own parents. He gave voice to the voiceless. He demanded fairness for those to whom life had been unfair. He gave people hope and courage.

He himself had that rarest sort of courage. It was a moral courage. Even when he knew the vote was likely to be

99 to 1, he was not afraid to speak and vote his conscience. It was a reflection of his respect for the people who elected him, that he trusted they would respect him for doing what he believed was right.

Saturday we mark the 1-year anniversary of the plane crash on the Iron Range that claimed the lives of Paul and Sheila Wellstone, their beloved middle child, Marcia Wellstone Marcus, their campaign aides and friends, Mary McEvoy, Tom Lopic, Will McLaughlin, and their pilots, Richard Conry and Michael Guess.

To keep their parents' work alive, Paul and Sheila's other two children, Mark and David, have started a progressive democracy organization. Through their advocacy, which they call, appropriately, Wellstone Action, the spirit of Paul and Sheila is very much alive.

If you go to the Wellstone Action Web site, you can read hundreds of messages from people the Wellstones inspired. One is from John Nichols, the editorial page editor of *The Capital Times* newspaper in Madison, WI, and the Washington correspondent for *The Nation* magazine. Mr. Nichols was in rural Wisconsin at a conference of family farm advocates. He had just finished giving the keynote address about the need for activists to go into politics when the news came. When he told the audience, he wrote:

Cries of, "No" and "My God, my God" filled the room. Grown men felt for tables to keep their balance. Husbands and wives hugged one another and everyone began an unsuccessful effort to choke back tears. People wept in silence until finally a woman began to recite the Lord's Prayer for the son of Russian Jewish immigrants who had touched the lives and heart of solid Midwestern Catholic and Lutheran farmers who do not think of themselves as having many friends in Congress."

Another message is from a man who was a junior at St. Cloud State University in Minnesota. When he volunteered to help on Paul's first and improbable Senate campaign in 1990, they met when Paul visited the campus for a Fourth of July parade. He writes:

It was stifling hot that day in St. Cloud—at least 95 degrees with stick-to-your-shirt humidity. The plan was for the two staffers and me to hand out Wellstone literature while Paul would walk along and wave to the crowd. Much to my amazement, Paul proceeded to run—not walk, not even jog, but to run from left to right, for the entire two-mile route, which took about an hour to complete—trying to shake the hand of every single parade-goer.

Almost no one knew who he was—and most probably weren't likely Wellstone voters, anyway. Didn't matter. He even said that to people . . .

"Vote for me or vote for someone else. Just make sure you vote in November." He was always moving, always smiling, always talking.

This former campaign volunteer wrote that when he got back to his dorm room he called a few friends and told them: You wouldn't believe the guy I just met. I don't think he has a prayer of winning but, by God, it is not going to be for lack of effort.

In the last few years Paul didn't run much. He had that pronounced limp that he and his doctors first attributed to old wrestling injuries but that turned out to be a symptom of multiple sclerosis. Even though he was in pain most of the time, his illness never dulled his sense of humor. He joked that at least he had gotten a progressive disease.

His efforts never flagged. Until the end he gave every ounce of energy he had to try to bring hope and help to others.

I have been told there is a tradition in Judaism, on the first anniversary of the death of someone you love, you pray his soul will find proper rest. Well, I loved—I loved Paul Wellstone. But it is still hard to imagine him at rest. I know, with absolute certainty, he would not want us to mark this first anniversary by resting or by talking. How many times did we hear Paul say:

Intentions are good. But it's not intentions that count. What counts is action.

One of the injustices that made Paul Wellstone the most angry, that offended him the most deeply, was the stigma attached to mental illness and the discrimination and suffering people with mental health problems suffer as a result of that stigma. He thought it was cruel that people with mental health problems very often received lesser care than those with physical health problems. He was outraged by the terrible toll such discrimination often takes on the people with mental illness, and their families.

UNANIMOUS CONSENT REQUEST—S. 486

So, Madam President, now, in the name of Paul Wellstone, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 486, the Paul Wellstone Mental Health Equitable Treatment Act, the Senate proceed to its immediate consideration, and the motion to reconsider be laid upon the table.

I am told at the request and on behalf of the majority leader and others on the Republican side, there is an objection to this legislation. I acknowledge that and I present that objection on behalf of the majority leader at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Words alone are just not a fitting tribute to Paul Wellstone. It is the action that counts. I was deeply moved by Senator DOMENICI's beautiful eulogy for Paul last fall at the memorial for the Wellstones in Washington. In that eulogy Senator DOMENICI vowed to do everything he could to pass the Paul Wellstone Mental Health Equitable Treatment Act this year. He has worked very hard to keep that promise and we thank him for it. He and Senator KENNEDY introduced the Paul Wellstone Mental Health Equitable Treatment Act 8 months ago in the early days of this session. Unfortunately, despite the efforts of Senators DOMENICI and KENNEDY and many others, despite the support of 66 Senators,

two-thirds of this Senate, including the distinguished Presiding Officer, despite the fact that the Senate voted overwhelmingly last year to pass this measure as an amendment to the Labor-HHS appropriations bill, the Paul Wellstone Mental Health Equitable Treatment Act remains stuck in committee today because of opposition from the insurance industry and its backers.

The insurance industry claims incorrectly that requiring insurers to treat mental illness the same way as they treat physical illness will drive up premiums so high that more people will lose their health insurance. That is not true. Those are the same kinds of scare tactics we have heard from that industry on other occasions.

As another of our departed friends, Senator Moynihan, used to say, everyone is entitled to their own opinion but they are not entitled to their own set of facts.

The truth is, two highly respected organizations have analyzed the Paul Wellstone Mental Health Equitable Treatment Act. The private accounting firm of PricewaterhouseCoopers predicts the bill would increase health insurance premiums by 1 percent—1 percent. That works out to \$1.32 per month. I think most families would think that was a very good deal. The Congressional Budget Office predicts an even smaller increase, nine-tenths of 1 percent.

We also know from experience that requiring mental health parity in insurance has a negligible, if any, effect on premiums.

In 1999, President Clinton signed an executive order giving the 8 million Federal workers in the Federal Employees Health Benefits Plan the same protections the Wellstone bill would extend to others.

On the website of the Federal Office of Personnel Management, there is a list of "frequently asked questions" about mental health and substance abuse parity under the Federal Employees Health Benefits Plan. This is what that website says:

Recent advancements in the treatment and management of mental illness have left no justifiable rationale for disparate treatment of mental illness. The National Institutes of Mental Health informed us that most diagnoses have well-established biological bases, diagnoses are reliable, and treatment is effective and affordable.

The website goes on to say:

A growing body of research and actual industry experiences indicate that parity can be implemented without substantially increasing premiums, as long as it is coupled with efforts to manage the benefits.

Those are the facts.

In 1996, Congress passed the Mental Health Parity Act, which was also sponsored by Paul Wellstone and Pete Domenici. The 1996 act says that group health plans sponsored by employers with 50 or more workers cannot place annual or lifetime dollar limits on mental health benefits that are more restrictive than their limits for physical health care.

Paul Wellstone and PETE DOMENICI may have seemed like unlikely allies to some, but they shared a deep bond. They had both seen close family members struggle with serious mental illness.

So have many others. Fifty-four million Americans suffer from mental illness.

They include Republicans, Democrats and people who don't care a whit about party labels. No family is untouched by mental illness.

Four days ago I received an email from a man in Sioux Falls. His name is Jamie Snyder.

His wife Bonnie suffered severe abuse in her first marriage and, as a result, she suffers from post traumatic stress disorder. Nine years ago, her doctor and two other doctors—including the head of the American Psychological Association in South Dakota—said she needed to be hospitalized.

Unfortunately, a doctor who worked for Jamie Snyder's employer, which was self-insured—a doctor who was hundreds of miles away in another State and who never laid eyes on Bonnie Snyder—ruled that she didn't need to be hospitalized. So the Snyder's were left with an \$8,000 hospital bill.

Jamie Snyder tried for years to resolve this dispute with his employer. When that failed, he hired an attorney and went to court—only to be told that he couldn't bring a claim because too much time had passed.

Then he started getting calls from bill collectors. In desperation, he signed an agreement with a collection agency that charges exorbitant interest rates. If he misses a payment for any reason, the agency garnishes his wages and adds huge penalties.

Since 1996, Jamie Snyder has paid \$8,000 on his initial \$8,000 bill. Yet today, he still owes the collection agency \$15,950.

Bonnie Snyder still suffers from post-traumatic stress disorder, and now, on top of that, depression and agoraphobia. But she doesn't want to get counseling because she doesn't want to add to her family's debt.

The irony is that she has been on full disability since 1992. The government would rather pay her disability every month than see that she gets the help she needs to return to work and a full life.

Another family in Sioux Falls has a daughter who was always outgoing, socially active—a straight-A student. When she was a freshman in high school, she won debate competitions.

When she was a sophomore, she told her mother, "I'm a failure" and admitted she had thought about suicide. It took 4 months to get an appointment with a psychiatrist. Eventually, the young woman received treatment in another State. She was diagnosed with bipolar disorder.

Despite that diagnosis, the insurance company refused to pay for her treatment, so her mother was forced to take

out a \$20,000 mortgage on their home. After a long fight, the insurance company finally paid the bill.

Today, that young woman is a freshman in college. Medications help her control her illness. But they cost \$3,000 a month.

She will probably need to take the medications for the rest of her life.

She is covered under her mother's health plan—for now. But that won't always be the case.

She and her mother worry about what will happen when she has to leave her mother's policy. Will she be able to get affordable insurance on her own?

If so, will it pay for the mental health care she needs to stay healthy?

That young woman knows about the Paul Wellstone Mental Health Equitable Treatment Act. She tracks its progress on the Internet.

She is counting on us to do the right thing and help end the stigma and discrimination that makes it even harder for her to live with a tough disease.

There is another young woman in college who is watching what we do on this bill. I know her. Her name is Erica Gitis-Miles. She is a junior at South Dakota State University, my alma mater.

Erica's birth mother drank heavily during her pregnancy and Erica has fetal alcohol syndrome as a result. Erica was neglected by her birth mother and severely abused by her birth mother's boyfriend. She was in and out of 13 foster care placements by the time she was 4 years old. She was adopted into a loving home when she was 7.

Fetal alcohol syndrome causes serious brain damage. Most people struck with that illness also have serious mental health problems.

Erica suffers recurrent depression. A year ago, during a serious depression, Erica cut herself. The doctors who treated her decided that she might be a danger to herself, so Erica was ordered held in a mental health unit for 72 hours.

Her parent's insurance company refused to pay for the hospitalization. They said Erica chose to hurt herself, so it was not their responsibility to pay for her care. So Erica and her parents are stuck with the bill.

She says she is fortunate. Her father is a medical doctor. But she worries about all the families who aren't able to help themselves as they helped her. Who, she asks, will help them?

The Mental Health Parity Act of 1996 was an important step forward. But we know that discrimination persists. Insurers have found new ways to restrict mental health benefits.

They continue to discriminate by limiting visits, and requiring higher co-pays and deductibles. And some even continue to impose lower annual and lifetime spending limits for mental illness—and make little effort to deny it.

The results can be devastating: unemployment, broken homes, shattered

lives, poverty, poor school performance—even suicide.

A report earlier this year by the GAO showed that at least 12,000 parents a year are forced to give up custody of their children because they cannot get them the mental health care they need. What family values is that?

Wellstone Action has made passing the Paul Wellstone Mental Health Equitable Treatment Act its sole legislative priority for this year.

The Paul Wellstone Mental Health Equitable Treatment Act also has the support of 274 national organizations, including the American Academy of Pediatrics, the Alzheimer's Association, the National PTA, the Evangelical Lutheran Church in America, Catholic Charities, The National Association of Counties, the American Medical Association, the American Nurses Association, the American Association of Pastoral Counselors, The Christopher Reeve Paralysis Foundation, the National Rural Health Association, the National Organization on Fetal Alcohol Syndrome and many other groups.

I ask unanimous consent that the complete list be printed in the CONGRESSIONAL RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

274 ORGANIZATIONS SUPPORTING THE WELLSTONE MENTAL HEALTH EQUITABLE TREATMENT ACT

Advocates for Youth  
Alliance for Aging Research  
Alliance for Children and Families  
Alliance For Mental Health Consumers Rights  
Alzheimer's Association  
American Academy of Child and Adolescent Psychiatry  
American Academy of Family Physicians  
American Academy of Neurology  
American Academy of Pediatrics  
American Academy of Physical Medicine and Rehabilitation  
American Academy of Physician Assistants  
American Association for Geriatric Psychiatry  
American Association for Marriage and Family Therapy  
American Association for Psychosocial Rehabilitation  
American Association of Children's Residential Centers  
American Association of Pastoral Counselors  
American Association of Practicing Psychiatrists  
American Association of School Administrators  
American Association of Suicidology  
American Association on Mental Retardation  
American Board of Examiners in Clinical Social Work  
American College of Medical Genetics  
American College of Mental Health Administration  
American College of Nurse-Midwives  
American College of Physicians  
American Congress of Community Supports and Employment Services (ACCSES)  
American Counseling Association  
American Diabetes Association  
American Family Foundation  
American Federation of State, County and Municipal Employees  
American Federation of Teachers

American Foundation for Suicide Prevention  
 American Group Psychotherapy Association  
 American Heart Association  
 American Hospice Foundation  
 American Hospital Association  
 American Humane Association  
 American Jail Association  
 American Managed Behavioral Healthcare Association (AMBHA)  
 American Medical Association  
 American Medical Rehabilitation Providers Association  
 American Medical Student Association  
 American Mental Health Counselors Association  
 American Music Therapy Association  
 American Network of Community Options and Resources  
 American Nurses Association  
 American Occupational Therapy Association  
 American Orthopsychiatric Association  
 American Osteopathic Association  
 American Pediatric Society  
 American Political Science Association  
 American Psychiatric Association  
 American Psychiatric Nurses Association  
 American Psychoanalytic Association  
 American Psychological Association  
 American Psychotherapy Association  
 American Public Health Association  
 American School Counselor Association  
 American School Health Association  
 American Society for Adolescent Psychiatry  
 American Society of Addiction Medicine  
 American Society of Clinical Pharmacology  
 American Therapeutic Recreation Association  
 American Thoracic Society  
 America's HealthTogether  
 Anna Westin Foundation  
 Anorexia Nervosa and Related Eating Disorders, Inc.  
 Anxiety Disorders Association of America  
 Association for the Advancement of Psychology  
 Association for Ambulatory Behavioral Healthcare  
 Association for Clinical Pastoral Education, Inc.  
 Association for Science in Autism Treatment  
 Association of Asian Pacific Community Health Organizations  
 Association of Jewish Aging Services of North America  
 Association of Jewish Family & Children's Agencies  
 Association of Maternal and Child Health Programs  
 Association of Medical School Pediatric Department Chairs  
 Association of University Centers on Disabilities  
 Association to Benefit Children  
 Attention Deficit Disorders Association  
 Autism Society of America  
 Barbara Schneider Foundation  
 Bazelon Center for Mental Health Law  
 Brain Injury Association of America, Inc.  
 Camp Fire USA  
 The Carter Center  
 Catholic Charities USA  
 Center for the Advancement of Health  
 Center for Women Policy Studies  
 Center on Disability and Health  
 Center on Juvenile and Criminal Justice  
 Central Conference of American Rabbis  
 Chicago Public Schools  
 Child & Adolescent Bipolar Foundation  
 Children and Adults with Attention-Deficit/Hyperactivity Disorder  
 Children's Defense Fund  
 Children's Healthcare Is a Legal Duty  
 Children's Hospital Boston  
 Child Welfare League of America  
 Christopher Reeve Paralysis Foundation  
 Church of the Brethren Washington Office  
 Clinical Social Work Federation  
 Coalition for Juvenile Justice  
 College of Psychiatric and Neurologic Pharmacists  
 Commission on Social Action of Reform Judaism  
 Corporation for the Advancement of Psychiatry  
 Council for Exceptional Children  
 Council of State Administrators of Vocational Rehabilitation  
 Council on Social Work Education  
 County of Santa Clara, CA  
 Cure Autism Now  
 Dads and Daughters  
 Depression and Bipolar Support Alliance  
 Disability Rights Education and Defense Fund, Inc.  
 Disability Service Providers of America  
 Division for Learning Disabilities (DLD) of the Council for Exceptional Children  
 Easter Seals  
 Eating Disorders Coalition for Research, Policy & Action  
 Employee Assistance Professionals Association  
 Epilepsy Foundation  
 Families For Depression Awareness  
 Families USA  
 Family Violence Prevention Fund  
 Family Voices  
 Federation of American Hospitals  
 Federation of Behavioral, Psychological & Cognitive Sciences  
 Federation of Families for Children's Mental Health  
 Freedom From Fear  
 Friends Committee on National Legislation (Quaker)  
 Harvard Eating Disorders Center  
 Human Rights Campaign  
 Inclusion Research Institute  
 Institute for the Advancement of Social Work Research  
 International Association of Jewish Vocational Services  
 International Association of Psychosocial Rehabilitation Services  
 International Community Corrections Association  
 International Dyslexia Association  
 International Society of Psychiatric-Mental Health Nurses  
 Iris Alliance Fund  
 Jewish Federation of Metropolitan Chicago  
 Johnson Institute  
 Kids Project  
 Kristen Watt Foundation for Eating Disorder Awareness  
 Latino Behavioral Health Association  
 Learning Disabilities Association of America  
 Legal Action Center  
 Lutheran Ofc. for Governmental Affairs, Evangelical Lutheran Church in America  
 Lutheran Services in America  
 Medicare Rights Center  
 MentalHealth AMERICA, Inc.  
 NAADAC, The Association for Addiction Professionals  
 National Advocacy Center of the Sisters of the Good Shepherd  
 National Alliance for Autism Research  
 National Alliance for the Mentally Ill  
 National Alliance for Research on Schizophrenia and Affective Disorders  
 National Alliance to End Homelessness  
 National Asian American Pacific Islander Mental Health Association  
 National Asian Women's Health Organization  
 National Assembly of Health and Human Service Organizations  
 National Association for the Advancement of Colored People (NAACP)  
 National Association for the Advancement of Orthotics & Prosthetics  
 National Association for Children's Behavioral Health  
 National Association for the Dually Diagnosed  
 National Association for Rural Mental Health  
 National Association of Anorexia Nervosa and Associated Disorders—ANAD  
 National Association of Case Management  
 National Association of Children's Hospitals  
 National Association of Community Health Centers  
 National Association of Counties  
 National Association of County Behavioral Health Directors  
 National Association of County and City Health Officials  
 National Association of Developmental Disabilities Councils  
 National Association of Mental Health Planning & Advisory Councils  
 National Association of Pediatric Nurse Practitioners  
 National Association of Protection and Advocacy Systems  
 National Association of Psychiatric Health Systems  
 National Association of School Nurses  
 National Association of School Psychologists  
 National Association of Social Workers  
 National Association of State Directors of Special Education  
 National Association of State Mental Health Program Directors  
 National Center for Policy Research for Women & Families  
 National Center on Institutions and Alternatives  
 National Coalition Against Domestic Violence  
 National Coalition for the Homeless  
 National Coalition of Mental Health Consumers and Professionals  
 National Committee to Preserve Social Security and Medicare  
 National Council for Community Behavioral Healthcare  
 National Council of Jewish Women  
 National Council of La Raza  
 National Council on the Aging  
 National Council on Alcoholism and Drug Dependence  
 National Council on Family Relations  
 National Council on Problem Gambling  
 National Council on Suicide Prevention  
 National Down Syndrome Congress  
 National Down Syndrome Society  
 National Eating Disorders Association  
 National Educational Alliance for Borderline Personality Disorder  
 National Education Association  
 National Exchange Club Foundation  
 National Foundation for Depressive Illness  
 National Health Council  
 National Health Law Program  
 National Hispanic Medical Association  
 National Hopeline Network  
 National Housing Conference  
 National Latino Behavioral Health Association  
 National Law Center on Homelessness & Poverty  
 National Leadership on African American Behavioral Health  
 National League of Cities  
 National Medical Association  
 National Mental Health Association  
 National Mental Health Awareness Campaign  
 National Multiple Sclerosis Society  
 National Network for Youth  
 National Organization for Rare Disorders  
 National Organization of People of Color Against Suicide  
 National Organization on Fetal Alcohol Syndrome  
 National Osteoporosis Foundation  
 National Partnership for Women and Families

National PTA  
 National Recreation and Park Association  
 National Rural Health Association  
 National Schizophrenia Foundation  
 National Senior Citizens Law Center  
 National Therapeutic Recreation Society  
 National Treatment and Research Advancements Association for Personality Disorder  
 Native American Counseling, Inc.  
 NETWORK, a Catholic Social Justice Lobby  
 NISH (National Industries for the Severely Handicapped)  
 Northamerican Association of Masters in Psychology  
 Obsessive Compulsive Foundation  
 Office & Professional Employees International Union  
 Older Adult Consumer Mental Health Alliance  
 Organization of Student Social Workers  
 Partnership for Recovery  
 People For the American Way  
 Presbyterian Church (USA), Washington Office  
 Prevent Child Abuse America  
 Rebecca Project for Human Rights  
 Renfrew Center Foundation  
 Samaritans Suicide Prevention Center  
 School Social Work Association of America  
 Service Employees International Union  
 Shaken Baby Alliance  
 Sjogren's Syndrome Foundation  
 Society for Adolescent Medicine  
 Society for Pediatric Research  
 Society for Personality Assessment  
 Society for Public Health Education  
 Society for Research on Child Development  
 Society for Social Work Research  
 Society for Women's Health Research  
 Society of Professors of Child and Adolescent Psychiatry  
 STOP IT NOW!  
 Suicide Awareness Voice of Education  
 Suicide Prevention Action Network USA  
 The Arc of the United States  
 Title II Community AIDS National Network  
 Tourette Syndrome Association  
 Treatment and Research Advancements Association for Personality Disorder  
 Union of American Hebrew Congregations  
 Unitarian Universalist Association of Congregations  
 United Cerebral Palsy Association  
 United Church of Christ, Justice and Witness Ministry  
 United Jewish Communities  
 United Methodist General Board of Church and Society  
 Volunteers of America  
 Wellstone Action  
 Working Assets  
 Women of Reform Judaism  
 Yellow Ribbon Suicide Prevention Program  
 Youth Law Center

Mr. DASCHLE. More than a year and a half ago, in a speech at the University of New Mexico with Senator DOMENICI by his side, President Bush said:

Our country must make a commitment: Americans with mental illness deserve our understanding and they deserve excellent care. They deserve a health care system that treats their illnesses with the same urgency as physical illness.

In the great consensus-seeking spirit of Paul Wellstone, I must say I agree with the President. I appreciate his words. But words alone will not solve this problem. We urge the President to join us, help us take up and pass the Paul Wellstone Mental Health Equitable Treatment Act now, this year.

Paul was the champion of many causes, but no cause was more dear,

more personal to him than making sure people with mental illness are treated fairly, are treated with dignity. Intentions are fine, but it is the actions that count. Millions of American families are counting on us to act for mental health parity. Let us agree to do it now as a tribute to Paul Wellstone, and let us keep his spirit alive.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, I come to the floor to close this week but more importantly to address and continue the comments and remarks that have been made with regard to the death on October 25th last year of Senator Paul Wellstone.

Senator Wellstone's plane, the plane he was flying in, was lost in the Minnesota wilderness on that day, October 25, with all eight passengers aboard, having lost their lives in a tragic accident: Senator Wellstone, his wife Shelia, his daughter Marcia, staff members, the two pilots.

Today, on the eve of that sad anniversary, we pause to remember Senator Wellstone and his remarkable, his tremendous contribution to this body and, indeed, to the United States of America.

I have tremendous respect for what he demonstrated both on the floor of the Senate and the many committee hearings we both attended, especially the Health, Education, Labor, and Pension Committee, where he focused so much of his attention and energy on mental health. I respected his tenacity, his intelligence, his commitment, his humor, his integrity.

He was a kind man, a gentle man, never mean-spirited or one to make personal attacks.

In this body, you look and you categorize certain people in terms of impressions. And the one word that summarizes my impression of Paul Wellstone is that he was a real idealist in the very best sense of the word—principled and tough, a stalwart defender of his ideals.

In Minnesota and across the country, people will be celebrating Paul with a Wellstone World Music Day tribute. Here in the Senate, I think it is fitting we also acknowledge Paul's tireless work on behalf of those for whom he fought from early in the morning till late at night, those people who suffer from mental illness. He was their unflagging champion and mightily advanced the concept of the cause which, as a physician, I cherish; that is, fairness and equity.

I share his commitment to this important issue, and I look forward to working with Senator DOMENICI and

Senators DASCHLE and KENNEDY; the chairman of the Health, Education, Labor, and Pensions Committee, Senator GREGG; indeed, all of my colleagues to ensure that mental health is appropriately addressed in this Congress.

I do join with my colleagues and the people of Minnesota in a real celebration of the life and the ideals of Senator Paul Wellstone. He was a wonderful man, a remarkable man, and an outstanding Senator.

Mr. KENNEDY. Madam President, Paul Wellstone was an extraordinary leader with a common touch. His dedication to the well-being of average Americans was unparalleled in Congress. He believed that all of our citizens, no matter how humble their beginnings or difficult their plight, had an equal right to happy, healthy, and full lives.

There was no issue more dear to his heart than ensuring access to health care for people with mental illness. He spent so much of his time here in the Senate working to improve the care and treatment they receive. For them, Paul Wellstone was their champion, their Senator. And in the Senate, Paul was our conscience, our guiding light.

Paul worked with Senator PETE DOMENICI on legislation to end the shameful discrimination in our society against mental illness. After Senator Wellstone's tragic death one year ago, Senator DOMENICI has continued with great diligence to urge the Senate to act. But the bill, the Senator Paul Wellstone Mental Health Equitable Treatment Act, is still being held hostage by the insurance industry and their allies.

We know that large numbers of Americans across the country with mental illness constantly face stigma and misunderstanding because of their illness. Even worse, they are often denied the treatment that can cure or relieve their debilitating conditions because they are victims of discrimination too. It is unacceptable that we continue to tolerate actions by insurance companies that deny medical care for mental illness, even though the same insurers readily cover treatment for physical illnesses that are more costly, less debilitating, and less curable. Mental illnesses are often treatable and curable, and it's time to end the widespread discrimination against them.

Equal treatment of the mentally ill is not just an insurance issue. It is a civil rights issue, too. Mental health parity is an issue of simple justice. The need for action is clear. One in five Americans will suffer some form of mental illness this year—but only a third will receive treatment. According to a report of the Surgeon General, at least 4 million children suffer from a mental illness that results in significant impairments at home, at school, and with other children. Families must often make impossible choices about how to pay for the care their child needs to live a normal life.

It is tragic when a child is diagnosed with any illness. It is heart wrenching for parents to watch their children suffer. The tragedy is even greater when insurance companies deny treatment for a child solely because the illness is a mental illness. It's wrong for insurance companies to apply modern medicine to physical diseases, but leave mental health in the dark ages.

Earlier this year, we received petitions signed by 30,000 young people asking Congress to provide affordable coverage for mental health treatment. The petitions were signed at concerts held across the country to raise awareness for suicide prevention.

It is long past time to end insurance discrimination, and guarantee all those with mental illness the coverage they deserve. The American people should not have to wait any longer. Paul's committed family members should not have to wait any longer. The Senate should not continue to delay action on this bill. It is time to pass it, and bring first class medicine to millions of Americans who have been second class patients for too long.

Mr. CORZINE. Madam President, exactly 1 year ago tomorrow, October 25, our Nation lost Senator Paul Wellstone, a truly great American and a hero to many. I remember that tragic day as if it were yesterday. The initial shock and pain of losing Paul has been transformed into a profound sadness akin to losing a parent—a brother. You never forget what they meant to your life. A year ago and to this day, millions of Americans still grieve and share this deep sense of loss.

I served with Paul for only 2 short years, but in that brief time, he became one of my closest friends. His enthusiasm was infectious, his values, uncompromised and his honor, unquestioned. His loss was a personal and painful one for me, and I miss him every day.

Indeed, Paul's loss was a tragedy for the entire United States Senate. As most would agree, there was no Senator quite like Paul Wellstone. He was unique. He left a void in this body that no one will ever fill.

What was it about Paul that made him so unique? It's hard to point to any one thing.

Perhaps it was his sincerity. Paul was a real, genuine person who never tried to be someone other than who he was. He said what he thought. He was the same man in the back rooms as under the glaring lights of the Senate floor. Paul was Paul.

Perhaps it was his humility. To say that Paul didn't put on airs would be an understatement. There simply wasn't an ounce of pretense to Paul—none. He wasn't trying to impress anyone. He wasn't impressed with himself. He should have been, but he wasn't.

Perhaps it was his empathy. Paul cared about other people, and he cared deeply. He spent his life helping others. It's what made him tick. It's what drove his politics. It's how he lived his life.

Perhaps more than his sincerity, more than his humility, and even more than his empathy, what made Paul—Paul was his passion.

To this day, Paul Wellstone was the most passionate public servant I have ever met. In a day and age when it is difficult to reconcile a public servant's actions with their statements, Paul was truly unique. His stirring words—"We should never separate the lives we live from the words we speak" were the compass by which he set his course. He didn't just speak about helping others, he did it. He didn't just preach about righting wrongs, he did it. He wasn't just talking about the need for social justice, human rights, civil rights, workers' rights, health care, education, environmental protection, and political reform. Paul was the most committed, compassionate, and tireless advocate for these causes I have ever met.

Paul's passions defined him as a human being, and you could not be around this Chamber for long without witnessing those passions first hand. He would come to this Chamber to speak, and it wouldn't be long before his voice would rise, his fist would pound the desk, and his finger would jab the air. When Paul spoke, he dominated the Chamber, and we listened.

No, we will not see another person like Paul Wellstone for a very long time. And this body, and our Nation, will be the worse for it.

In many ways, Paul was the conscience and soul of the Senate. When he saw something that wasn't right, he would speak out. He didn't wait for a cadre of his colleagues to approve. Often, that meant he upset some of us. Frequently, it meant he upset lobbyists and special interests. But, for millions of working Americans, Paul was the one voice on which they could always depend. And, they were grateful for him. Sometimes, all it took was Paul Wellstone to raise a wrong—to bring it into the sunlight for all to see—for it to be made right. He truly was our conscience and our soul, and he made a difference.

That is why I wanted to come to the floor to honor Paul's memory. These speeches are not what he would have sought. He probably would have been embarrassed. That said, he would have hoped we would come to advocate his causes—none more personal, none more passionate, than his quest for mental health parity.

Paul Wellstone was not only a hero. He was a model for all of us who are representatives of all the people. It's only right that we honor him here in this Chamber—where he stood for so many. Remembering who he was and what he stood for can only make us better Senators.

Sadly, unavoidably, it also reminds us of the terrible loss that this Senate and our Nation suffered on that heart-breaking day 1 year ago.

Paul—like all of us—I was blessed to know you and will always remember

that you said, "Politics is what we create by what we do, what we hope for and what we dare to imagine." Thank you for daring to hope and imagine. I miss you. We all do.

Mrs. FEINSTEIN. Madam President, I rise today to speak in honor of our late friend and colleague, Senator Paul Wellstone, and to remember his wife, Sheila, their daughter, Marcia, the campaign staff and the pilots who died in a plane crash one year ago.

I speak today to praise Paul's work and to praise his passion, to praise his vision, and to praise his legacy. He was truly a great Senator and a great human being. His love of all people was his guiding principle. He is very much missed in the Senate, in this country, and especially in the great State of Minnesota.

Born in Washington, D.C., Paul began a journey that would take him from Virginia, to North Carolina, to Minnesota, and back to Washington, D.C. to serve in the United States Senate. His life experiences along the way back here developed and defined his political vision. Seeing his father cope with Parkinson's gave him insight into the failures of our health care system, and the struggle with his brother's mental illness fueled his desire to raise awareness and expand care for mental illness.

From the beginning of his service in the Senate, Paul left an impressive legacy. In his first Senate campaign in 1990, Paul was the only candidate to beat an incumbent Senator. During this campaign, he was the underdog. He was an unknown candidate challenging an incumbent; he was outspent 6-to-1 and he had never held elected office in his life.

Despite these odds, however, Paul battled, town by town, to be elected Senator from Minnesota. He traveled throughout the State on an old green school bus, making stump speeches and inspiring grassroots organization. In many ways, his campaign for Senate is an allegory for his entire political life. He was often viewed as the underdog, fighting for the little guys, against moneyed and powerful special interests, refusing to give up or accept defeat.

Paul once stated "I still believe Government can be used as a force for good in people's lives." A simple but profound statement, it guided him in his journey in public service. Whether he was advocating for universal healthcare, or fighting for victims of domestic violence, he truly believed that he, and the United States Senate, could do good in people's lives.

One need only listen to the tributes from the Members of this body to truly see that Paul himself was also a force of good in people's lives. Many people that were opposed to Paul politically and philosophically still respected him very much. Last year, Senator DOMENICI, an ally of Paul's in the fight for mental health parity, made a beautiful statement when he found out Paul had

died. Senator LOTT, too, gave a wonderful tribute to Paul, praising his compassion and his optimism. It is truly a tribute to the character of Paul Wellstone that he was so respected, even by people who disagreed with him.

Paul loved the Senate and the Senators with whom he served. He was a master at delivering moving speeches, usually speaking when there were no Members in the Chamber to hear him speak. I remember that as he would speak, he would start to speak at his desk, not far from my own desk, and would walk back and forth behind the desks, up and down the aisle. He could not contain his excitement or his passion.

In his book, "Conscience of a Liberal," Paul wrote this about Diane Feldman, a member of his campaign staff:

She told me that Minnesotans did not agree with me on every issue, but many of them admired my courage and integrity. I hope and pray that Minnesotans will always feel this way about me.

I believe that Minnesotans do admire and respect him for his courage and integrity. Most people that have met Paul Wellstone admire and respect him for his courage and integrity.

Paul was called a number of things in his career as a Senator: "the happy warrior," "the soul of the Senate," "embarrassingly liberal," "Senator softie." But I am truly honored to be able to call him a friend, and I consider myself lucky to have served in this distinguished body with such a great human being.

Mr. BAUCUS. Madam President, 1 year ago the Senate, Minnesota, and our Nation suffered a great loss. I remember that day clearly. I was in Great Falls attending the Montana Farmers Union Convention. I was in such disbelief.

Senator Wellstone, his wife Sheila, daughter Marcia, three of his staffers Mary McEvoy, Tom Lopic and Will McLaughlin, and two pilots tragically lost their lives in a plane crash in northern Minnesota.

Senator Wellstone, known to everyone simply as Paul, served his state of Minnesota for 12 years. Paul was a special person for whom I had the highest personal regard. Though I may not have always agreed with Paul on all the issues, I always respected him as he expressed his views with such passion and conviction.

Paul was frequently seen on the Senate floor giving impassioned speeches on different issues. He was always fighting for the little guy, the underdog. Whether it was providing disaster assistance for farmers and ranchers, working mental health parity, or helping the less fortunate in our society, Paul was always fighting for what he believed in. I was fortunate to sit with Paul on the Senate Agricultural Committee. Though Paul may not have sat at the head of the table, he made it clear that his message was important and that everyone heard it. I was proud

and grateful to have Paul on my team fighting for natural disaster assistance for farmers in 2001 and 2002. Minnesota, Montana, and our Nation's agriculture producers benefited from his fight throughout the debate.

Paul embraced his work the same way he embraced his life and relationship with Sheila. With passion, dedication and conviction. I admired him greatly.

Paul loved his State and he loved his job as Senator, but most of all he loved his wife Sheila. And in order to understand Paul, one had to understand Paul and Sheila's relationship.

Paul and Sheila were a package deal. She was his world. I often saw the two of them walking the halls of the Senate together. And Paul always insisted that Sheila get credit for his successes. She was his rock. She was his life. She was his everything. It seems most appropriate that Paul and Sheila left this life together. He would have been lost without her.

On the 1-year anniversary of his passing, Paul is sorely missed. The Senate is not the same without him. The floor is a little quieter. The halls are no longer filled with his enthusiasm and passion for life and justice. Paul was a good man, a good senator, and a good friend. Paul Wellstone is deeply missed.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Madam President, it has been a year since we heard the terrible news of Paul Wellstone's death and trudged through, with broken hearts, the days and months that followed. Kind, compassionate, a voice for those without a voice, a bundle of energy, Paul Wellstone was unique, he was priceless, he was irreplaceable. When we learned of Paul's death, our grief was magnified by the deaths of the two women he loved most—his wife Sheila and his daughter Marcia—and by the deaths of his devoted aides, Tom Lopic, Will McLaughlin, and Mary McEvoy.

Their loss still cuts deep. I vividly remember flying back from California to speak in the Senate about Paul, and being overcome by a sense of profound loss seeing the black shroud and flowers over the desk he loved, the launching pad for his extraordinary, impassioned speeches.

I want to read some of the statement I made that day, as what I said then remains true for me now.

"Paul was never afraid to speak out when it might be unpopular, nor was he afraid to be on the losing side of a Senate vote. He had courage. And when you told him that, when you said: 'Paul, you have courage,' he shrugged it off. He would say something like: 'What else could I do? It's just not right!' He would say that—determined, brave.

"Paul was a powerful man. His power did not come from his physical stature. He was strong but he was slight of

build. His power did not come from generations of family wealth. He was not a man of moneyed wealth. His parents were immigrants: Leon and Minnie Wellstone. His power did not come from political connections. His connections were with regular people.

"Let me tell you where his power came. It came from a fierce dedication to justice and truth and honesty and righteousness. He gave comfort and he gave hope to those he touched. And he gave them some of his power—the power to see the possibilities of their own lives. Paul died on his way to give comfort and hope to those facing death. He was flying to a funeral service."

As his staff wrote at the time of his death, "He was a passionate visionary who never gave up hope that we could make the world a better place for everyone; a committed fighter for social justice who gave a voice to the voiceless; a man with a huge heart who lit up a room—and the hearts of others when he walked in. He was a man who valued others for who they were, not where they came from, or what they wore, or their position or social status. He was dedicated to the little guy in a business dominated by the big guys."

You cannot speak about Paul Wellstone without speaking about the center of his life—his wife Sheila, his children and grandchildren. Paul and Sheila were partners in the truest sense, and shared almost 40 years of love and affection for each other. They were inseparable, and it was obvious to anyone who saw them together, they were deeply in love. They were also partners in public service, and in their shared sense of idealism, values, and purpose. They died as they had lived—together, even probably holding hands.

Paul and Sheila adored their daughter Marcia, whose radiant smile could light up the darkness, and doted on her very special child and their grandson, Joshua. They reveled in their sons David and Mark, and were enormously proud of David's entrepreneurial spirit and the gift he had at being a good father, and Mark's skill with Spanish and his talent as a teacher in the classroom. All of their grandchildren—Joshua, Cari, Keith, Acacia, Sydney, and Matt—delighted them and brought boundless joy to their lives.

Today we say to Paul again: We will give comfort and hope to those you left behind by doing all that we can to continue your legacy and your dream. What a gift you gave us all. You are impossible to replace. We will always miss you. •

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Madam President, I rise today in memory of my dear friend and colleague, Senator Paul Wellstone. A year ago today, the Senate—indeed, the Nation—suffered the tragic passing of Senator Wellstone. With his loss, his efforts to establish full mental health parity were cut short. It is now time to



build on Senator Wellstone's historic achievements in this policy area and put an end to the discrimination faced by individuals with mental illness once and for all.

I was a proud cosponsor of the landmark Mental Health Parity Act, which Congress passed in 1996 at Senator Wellstone's urging. This law establishes parity for annual and lifetime dollar limit coverage for mental health treatment. While its enactment marked an important victory in the fight to provide greater mental health treatment benefits, it is time to take the additional steps needed to truly provide mental health parity for all Americans.

The Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003 (S. 486) requires health insurance coverage to provide equal coverage of mental health benefits as it does for medical and surgical benefits. This legislation will improve access to care for individuals who are living with mental illness by closing the loopholes used by insurance companies to limit coverage. I am a proud cosponsor of this important legislation. It should be the law. I call on Senate leadership to bring this bill up for a vote without delay as a fitting tribute to the memory of Senator Wellstone.

I also urge the Senate to address the current discrimination in Medicare that seriously restricts seniors' access to mental health benefits. Under Medicare, seniors and people with disabilities pay a 20 percent copayment for all Part B services except for mental health care services, for which patients are assessed a 50 percent copayment. In other words, when seniors visit a cardiologist for heart disease, an endocrinologist for diabetes treatment, or an oncologist for cancer treatment, they pay a 20 percent copayment for the cost of the visit. If, however, a senior citizen or a person with disabilities seeks treatment for a debilitating and possibly life threatening mental illness, they pay for half of the cost of care out of their own pockets. Consequently, Medicare beneficiaries, many of whom are on fixed incomes, face an insurmountable barrier in seeking treatment that could substantially improve or prolong their lives because of a discriminatory policy that treats mental health services and medical services differently.

We need to put an end to what is essentially discrimination by diagnosis. I, along with my colleague Senator SNOWE, introduced legislation that phases down the 50 percent copayment for mental health care services to 20 percent over 6 years. This legislation, entitled the Medicare Mental Health Copayment Equity Act (S. 853), will establish parity in the Medicare program and improve access to care for our senior and disabled beneficiaries living with mental illnesses.

In the memory of my dear friend, Senator Wellstone, I urge my colleagues to consider this legislation, in

addition to the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003. Together, these two bills will eliminate the stigma of mental health and establish mental health parity in both the private and public sectors. I ask for your support and hope that together we can fulfill Senator Wellstone's passionate vision by ending mental health discrimination for all individuals. •

#### TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

Mr. NICKLES. Madam President, I rise in support of S. 2989, the Transportation, Treasury, and Independent Agencies Act for FY 2004, as reported by the Senate Committee on Appropriations.

I commend the distinguished Chairman and the Ranking Member for bringing to the Senate a carefully crafted spending bill within the Subcommittee's 302(b) allocation.

The pending bill provides \$26.0 billion in general purpose discretionary budget authority, an \$810 million decrease from FY2003. Including outlays from previously enacted legislation, the bill provides \$33.4 billion in outlays, which represents a \$1.9 billion increase from FY2003. These levels are at or below the subcommittee's 302(b) allocation.

For highways, including outlays from previously enacted legislation, \$31.6 billion in discretionary outlays is provided, which is equal to the subcommittee's 302(b) allocation.

For transit, the bill provides \$1.461 billion in BA and \$6.632 billion in outlays including outlays from previously enacted legislation. Both BA and outlays are equal to or below the subcommittee's 302(b) allocation.

The pending bill provides \$17.5 billion in mandatory budget authority and outlays, equal to the subcommittee's 302(b) allocation.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### S. 1589, TRANSPORTATION, TREASURY APPROPRIATIONS, 2004 SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004 in millions of dollars)

	General purpose	Highways	Mass transit	Mandatory	Total
Senate-reported bill:					
Budget authority .....	26,038	0	1,461	17,518	45,017
Outlays .....	33,397	31,555	6,632	17,516	89,100
Senate Committee allocation:					
Budget authority .....	26,041	0	1,461	17,518	45,020
Outlays .....	33,397	31,555	6,634	17,516	89,102
2003 level:					
Budget authority .....	26,848	0	1,436	16,718	45,002
Outlays .....	31,458	31,264	6,551	16,722	85,995
President's request:					
Budget authority .....	26,172	0	1,290	17,518	44,980
Outlays .....	33,730	30,521	6,584	17,516	88,351
House-passed bill:					
Budget authority .....	26,324	0	1,424	17,518	45,266
Outlays .....	32,704	31,528	6,625	17,516	88,373
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority .....	-3	0	0	0	-3

#### S. 1589, TRANSPORTATION, TREASURY APPROPRIATIONS, 2004 SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

(Fiscal year 2004 in millions of dollars)

	General purpose	Highways	Mass transit	Mandatory	Total
Outlays .....	0	0	-2	0	-2
2003 level:					
Budget authority .....	-810	0	25	800	15
Outlays .....	1,939	291	81	794	3,105
President's request:					
Budget authority .....	-134	0	171	0	37
Outlays .....	-333	1,034	48	0	749
House-passed bill:					
Budget authority .....	-286	0	37	0	-249
Outlays .....	693	27	7	0	727

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

#### RUNWAY INCURSIONS

Mr. COCHRAN. Mr. President, I would like to take the opportunity to clarify language included in the Transportation, Treasury and General Government Appropriations bill for fiscal year 2004. My distinguished colleague, the Chairman of the Transportation Appropriations Subcommittee, Senator SHELBY, worked to ensure that important funding was provided for the Federal Aviation Administration to address the problem of runway incursions at our Nation's airports.

I share his concern about reports of runway incursions and surface incidents. It is my hope that the FAA will use the funding provided to them to test new technologies that could significantly improve this situation. Testing at one of the 90 "hot spot" airports identified by the FAA should include accurate and reliable non-cooperative sensors, such as millimeter wave sensors, that can form a distributed radar and optical identification local network. The technologies tested should also include synchronized 2D and 3D graphic displays.

I would ask the chairman to clarify the funding provided by the subcommittee to address runway incursion prevention devices at our Nation's airports.

Mr. SHELBY. Indeed, my colleague from Mississippi is correct. The Senate bill does include funding for the Federal Aviation Administration to address problems of runway incursions, and it is my hope the FAA will perform testing as the Senator from Mississippi described.

Mr. COCHRAN. Mr. Chairman, thank you for clarifying this issue and for your leadership and support in addressing this important issue.

#### FAIR COMPETITIVE BID PROCEDURE

Mr. BROWNBACK. The House passed FY04 Transportation bill contains a provision to assist the States in initiating a Fair Competitive Bid Procedure for State-assisted intercity rail passenger operations. The objective of the provision is to allow States the option of providing competitive intercity passenger rail. The House provision



provides limited funding that will permit the Secretary of Transportation to initiate a new Fair Competitive Bid Procedure that the States can utilize. The Secretary will then monitor the progress of this demonstration and make monthly reports to the House and Senate Committees on Appropriations.

I believe this is an excellent idea and was considering offering a similar amendment to this bill. However, I do not wish to delay the proceeding today, and this is already an item to be considered in conference.

I would like to know if the chairman has an opinion on the House State-assisted intercity rail service provision.

Mr. SHELBY. I share my colleague's support of a procedure that will encourage the States to initiate passenger service through a competitive bid process. I believe it is important that Congress examine whether a competitive process can preserve and expand intercity rail passenger service at reasonable prices. I pledge to the Senator from Kansas that I will work with the House conferees to pursue a provision that would introduce a uniform procedure to allow the States the option of providing competitive rail passenger service.

Mr. BROWNBACK. I thank the distinguished chairman and look forward to working with him on a fair bid proposal.

#### BORDER CROSSING

Ms. COLLINS. I would like to thank the managers of the bill for their leadership on this important legislation, and I greatly appreciate their efforts to improve our Nation's transportation infrastructure.

Mr. SHELBY. I appreciate the Senator's support, and I thank her for her leadership.

Ms. COLLINS. I would like to make my colleagues aware of a project of great importance, not just to my constituents in Maine, but to the rest of the country as well. The existing border crossing connecting Calais, ME to St. Stephen, New Brunswick is heavily congested and therefore causes significant traffic delays and creates serious security concerns for U.S. and Canadian travelers and cross-border commerce. The current crossing is the eighth busiest commercial crossing on the Canadian border and has seen truck traffic double over the last 10 years. Since 199 the Maine Department of Transportation, along with the Federal Highway Administration and the General Services Administration, has engaged in a comprehensive National Environmental Policy Act, NEPA, process to determine the location for a new, modern, efficient border crossing. As part of the overall project, the General Services Administration is responsible for designing and constructing a new border station. The Canadian Customs and Revenue Agency, CCRA, will be responsible for the design and construc-

tion of the border station on the Canadian side of the river. The Maine Department of Transportation and New Brunswick Department of Transportation, and the Canadian Customs and Revenue Agency have funding in place for their portions of the design. Therefore, it is crucial that funding for the GSA portion of the project be appropriated so that design and construction work can begin as soon as possible. I would ask that the Senator from Alabama work with me to ensure that this project moves forward as quickly as possible. Thank you, Mr. President. I yield the floor.

Mr. SHELBY. I acknowledge the Senator's request, and I pledge to work with her on this matter.

#### TERRORIST FIREARMS DETECTION ACT OF 2003

Mr. LEVIN. Madam President, I express my support for the Terrorist Firearms Detection Act, a bill introduced earlier this week by Senator KENNEDY. Originally passed in 1988, and sometimes called the "plastic gun" law, this Federal law makes it illegal for any person to manufacture, import, ship, deliver, possess, transfer or receive any firearm that is not detectable by walk-through metal detectors or the type of x-ray machines commonly used at airports.

Since September 11, 2001, the Congress has worked hard to improve the security of our borders, airports, government buildings, and communities. However, in just over 2 months, on December 10, this essential common sense gun safety legislation is set to expire. The Terrorist Firearms Detection Act would permanently reauthorize the plastic gun law. Plastic guns, whose production has been endorsed by the National Rifle Association, should only be used by our military and intelligence agencies and must never find their way back into our communities.

This legislation has the support of every major gun safety organization in the country, including the Brady Campaign to Prevent Violence United with the Million Mom March, Americans for Gun Safety, and the Violence Policy Center.

The overwhelming majority of my colleagues would agree that plastic guns pose a clear and present danger to our nation's aviation security, as well as governmental targets across the country. In fact, Pete Shields, the former president of Handgun Control, the predecessor organization to the Brady Campaign to Prevent Violence, said it well in testimony before the House Judiciary Committee in 1988.

Weapons which evade security devices put us all at risk. Every airport, every courthouse, every public building which relies on screening devices for security will no longer be safe. At a time when our Nation is committing vast resources and energies to stopping terrorism and protecting our citizens abroad, we should not even consider making it easier for terrorists to operate in our own country.

I urge my colleagues in the Congress to act quickly to enact this legislation, and I also hope that President Bush will soon sign this important gun safety legislation into law.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Earlier this month, two men were slain in Stevens County, Washington. Russell Charles Markvardsen, 52, and Matthew Lee Raynor, 32, were shot to death at close range with a shotgun in their cabin in the Onion Creek area. The two men previously lived in a log home that was destroyed in a May 2002 fire that authorities investigated as a possible arson. At the time, the men told the Spokesman-Review newspaper in Spokane that they suspected arson because of possible prejudice against their homosexuality.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### WORLD POPULATION AND WATER SCARCITY

Mr. DURBIN. Madam President, the week of October 20-25 has been designated as World Population Awareness Week with the theme of "Water: Our Most Precious Natural Resource."

Because the world's 6 billion people are dependent on 1 percent of all the water on Earth, many fear a future where water scarcity will undermine political growth and lead to political and social unrest. Over the next 20 years the world's population is projected to increase to 7.2 billion, yet the average water supply is expected to drop by one-third in that same time period. World population is expected to balloon to 9 billion before leveling off.

Despite the looming future of water scarcity, consumption is increasing. The world's population has tripled in the past 100 years, but water use by humans has multiplied six times. Without a global commitment to sustainable water management, the world will see a large majority of its population living in areas where basic water requirements for drinking, cooking, or sanitation will be difficult or impossible to meet.

Acting on the global consensus that water scarcity must be a top development priority, the Population Institute has decided to dedicate the 19th World

Population Awareness Week to the issue of water.

More than 80 nations, 165 organizations, 201 mayors, and 22 Governors have dedicated proclamations of World Population Awareness Week to highlighting the critical issue of water. Illinois Governor Rod Blagojevich has made such a proclamation and I wish to call it to my colleagues' attention. I ask unanimous consent the proclamation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Whereas, the world's population of 6.3 billion is projected to rapidly continue to increase to increase to nearly 9 billion before finally slowing down, and

Whereas, the population of the United States currently exceeds 291 million, and it is estimated to increase to nearly 600 million by the year 2100; and

Whereas, the Population Institute, founded in 1969, is an independent, educational non-profit organization, dedicated to achieving a more equitable balance between the world's population, environment and resources; and

Whereas, since 1985, the Population Institute has organized World Population Awareness Week to create public awareness of the startling trends in population growth, the detrimental effects that rapid population growth has on our planet, and the urgent need for action; and

Whereas, the theme of World Population Awareness Week 2003 is "Water: Our Most Precious Resource," and

Whereas, water is fundamental to sustaining life; and

Whereas, 20 percent of the world's population currently faces a water shortage, a figure expected to rise to 30 percent by the year 2025;

Therefore, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 20-25, 2003 as WORLD POPULATION AWARENESS WEEK, and urge all citizens to conserve water whenever and whenever they can, and further reflect on ways to ensure adequate safe water supplies for future generations.

Mr. DURBIN. The week will be marked by events taking place at university campuses, community centers and civic institutions throughout the State to teach the residents of Illinois about the effects of a crowded planet.

In many hot spots around the world, there is simply a shortage of water. Some analysts predict that a major war over water is possible sometime in the future. Experts often cite the Middle East as an area where many water disputes could derail peace efforts or lead to another war. But there are critical water disputes the world over, and, as population increases, and potable water becomes yet more scarce, violent disputes over water become increasingly likely.

It is estimated that water shortages plague 20 percent of the world's population in at least 30 countries, and, it is estimated by 2025, as much as 30 percent of the world's population in 50 countries will face water shortages.

Even in places where there is enough water, it often is not clean enough to drink. An estimated 1.2 billion around the world lack an adequate, safe water supply, and 2.3 billion lack adequate

sanitation. It is estimated that as many as 5 to 7 million people die every year from water-related diseases, including 2.2 million children under the age of 5.

Former Senator—and my friend and mentor—Paul Simon, has been a leader in the Senate and beyond in highlighting the need for better, cheaper ways to desalinate salt water. This is an area where improved technology has the potential to benefit millions of people and to help defuse brewing conflicts.

Many nations have begun to depend on desalinated water. For example, a number of Middle Eastern nations have come to depend in part on desalination, and the city of Los Angeles obtains a significant percentage of its water from desalination plants. But the technology is still expensive and out of reach for many nations, States, and municipalities.

But there are many "low tech" approaches that could conserve water in to promote the sustainable use of underground water aquifers, including drip irrigation or other agricultural practices that conserve water, water distribution systems that reduce leakage and evaporation, sewage systems that reduce water use, and many other solutions. Some of these solutions are expensive, but others require more changes in thinking and habits and a commitment of political determination than money.

That is why I want to bring this critical problem to my colleagues attention today. It is not hopeless. Awareness of the issue is the first step to implementing solutions, small and large, to be sure our descendants inherit a peaceful world with an adequate and safe supply of our most basic necessity—water.

#### PHARMACEUTICAL MARKET ACCESS ACT

Mr. JOHNSON. Madam President, while the pharmaceutical industry is the most profitable industry in the world, millions of uninsured and underinsured Americans continue to struggle to afford medicines they need when prices are out of reach.

The facts paint a disturbing picture. According to a 2002 Families USA report, the pharmaceutical industry has been the most profitable industry in the U.S. for the past 10 years, being five-and-one-half times more profitable than the average Fortune 500 companies. A Public Citizen June 2003 report found that in 2002, the top 10 drug companies netted profits of \$36 billion, or more than one-half of all profits for Fortune 500 companies. While drug companies claim that their high prices support research and development one study found that eight major American pharmaceutical companies spent more than twice as much on marketing and administrative costs than on research and development.

And while powerful drug manufacturers continue to bring in high profits,

American consumers continue to pay the highest prices in the world—three to ten times more than other developed countries pay. South Dakotans cross the border every day to go to Canada in the hopes of purchasing lower-priced drugs that will prevent them from having to make the tough decision of choosing between buying groceries or life-saving medications.

And the recent actions of many of our State leaders indicate that Americans are fed up with paying by far the highest dollar prices in the world for prescription drugs that often times their tax dollars helped to develop. State governments have resorted to taking matters into their own hands: Maine now allows the State to negotiate fairer drug prices for all residents using the buying power of its Medicaid program, several States including Illinois, Iowa and Minnesota are exploring the possibility of importing prescription drugs from Canada for State employees, and Minnesota's Attorney General filed a lawsuit against GlaxoSmithKline alleging that the pharmaceutical company is violating antitrust laws by "spearheading an industry-wide conspiracy" to prevent U.S. residents from reimporting U.S.-made prescription drugs at a lower cost from Canada.

The American people are fed up. They are demanding that Congress end the "sweetheart deal" that gives the powerful pharmaceutical industry a captive market. A recent poll taken by the Washington Post and ABC News found that two-thirds of Americans support the legal importation of FDA approved prescription drugs and I have joined several of my colleagues to introduce the Pharmaceutical Market Access Act which will do just that. I thank Senators DORGAN, STABENOW, DAYTON, PRYOR, LEVIN, FEINGOLD, SNOWE, JEFFORDS, and MCCAIN for staying committed and working with me on this very important issue.

This bill, which is the companion to House reimportation bill H.R. 2427 that passed with broad bipartisan support, will finally provide American consumers with immediate access to FDA-approved medicines in Canada, as well as other industrialized nations. It contains strong safety protections that will ensure that the U.S. drug supply remains safe. Innovative techniques such as counterfeit-resistant packaging and drug wholesaler pharmaceutical shipment testing will ensure this safety.

American consumers are already importing \$500 million to \$1 billion in prescription medicines from Canada and elsewhere. This is on top of the already \$13 billion U.S. made prescription drugs already being reimported by pharmaceutical manufacturers under the authority found in the Prescription Drug Marketing Act of 1988. The Congressional Budget Office has estimated that the reimportation provisions found in this bill could provide approximately \$40 billion over 10 years in savings to

consumers. We need to bring these savings to the American people and finally eliminate the price disparity experienced in this country by passing a strong drug reimportation law and ensuring that it is actually implemented. Please support this important legislation.

Mrs. CLINTON. Madam President, I rise to express my strong opposition to S. 3.

This Senate is poised to criminalize a medical decision made between a woman and her physician. Despite claims to the contrary, the legislation before us today will ban many abortions routinely conducted in the second trimester because the simple truth is that "partial-birth abortion" is a political term, not a medical one.

The conference report returned to us by the conferees is different from the legislation passed by the Senate back in March in one critical way—it is stripped of Senator HARKIN's amendment affirming the law of the land—*Roe v. Wade*. This resolution made it clear that the policy of the Senate is for abortion to be legal, safe, and rare. And the conferees stripped out this language, making it clear that their true intent is to make abortion obsolete, regardless of the effects on women.

I remain perplexed—as I was in March—that this has risen to the top of our priority list. Back in March, we were about to send our troops to battle in Iraq, we were losing hundreds of thousands of jobs a month and long-term unemployment was climbing to the highest level in decades.

Well, the more things change the more they stay the same. Long-term unemployment is now at the highest level in 20 years. The number of Americans falling into poverty has increased for 2 straight years after a decade of decline. Six hundred thousand more people are unemployed than they were in March, and we have lost more than 200 U.S. soldiers since the war began.

Yet, we have found time to ban what should be a private medical decision between a woman and her doctor.

We also have to complete the most basic work of Congress—to pass the year's spending bills. At this point, we have considered Defense, Labor, HHS, Energy, Homeland Security and the Legislative Branch. But we still have left to consider Agriculture, Commerce-Justice-State, the District of Columbia, Foreign Operations, Transportation, and VA-HUD. We should bring these bills to the floor, debate them, modify them with amendments and then send them to conference. As we get closer and closer to our target adjournment date, I have to wonder why on earth we are not going full speed ahead to bring these bills to the floor?

We also have a Medicare prescription drug bill pending in conference. This is an issue that all of us hear about every time we go home. It is one of the most important issues to the American public—and has been so for years.

With so much uncertainty here at home, the Republican leadership has made the choice to debate how best to criminalize a medical procedure for women.

I have to ask myself: Why was this moment chosen for this debate? Why aren't we debating the steps we could take to help the 8.4 million Americans who are out of work? Why aren't we debating how we can balance our Federal budget and begin to diminish these overwhelming deficits and this increasing debt load we will leave on the backs of our children? Why are we not debating the necessity of our paying our bills? Why are we not debating how to provide an affordable, meaningful prescription drug benefit for elder Americans? Why aren't we debating how to help the 34 million Americans living in poverty?

As I travel around, talking with people in my State, that is what they talk to me about: What about this war, Senator CLINTON? What about homeland security? Are we as safe as we need to be here at home? Senator, what can we do about the jobs that are disappearing in the stagnant economy? How on Earth can we deal with this overwhelming budget deficit? What about not funding No Child Left Behind and the burdens that are begin put on public education as a result? When are we going to get around to a prescription drug benefit for our seniors who are suffering and having to face these large bills? What are we doing to protect our environment? We are, after all, stewards of our natural environment for future generations.

Those are the questions I am being asked. Not the ones posed by this legislation before us today.

But nevertheless we are considering this bill and little doubt that it will be approved. So, let us be very clear on what it is we are about to pass. The way this bill is written, the choice of language eliminates the distinction of trimesters. The vagueness makes this bill applicable to many other procedures in addition to the ones explicitly named. This bill is extreme, deceptive, and unconstitutional.

As my colleague from Pennsylvania stated back in March: This is the beginning of the end. And that is absolutely what he means. If this bill passes, it is the beginning of the end of *Roe v. Wade*. It is the beginning of the end of the right of women in this country to make the most personal and intimate decisions that any of us would ever be called upon to make.

Why did we ever have to do *Roe v. Wade* to begin with? Some States like mine, let abortion, as long as it was done safely and legally, occur under certain circumstances before *Roe*. Why did we have to have a Supreme Court decision? We have to have it because in many parts of the country these kinds of decisions were not permitted to be made by individual women.

Look at the progress we have made. The U.S. abortion rate is now at the

lowest level it has been since 1974. When I was First Lady, I helped to launch the National Campaign to Prevent Teen Pregnancy. We increased education and public awareness. And since 1991, teen pregnancy has also declined. We learned that prevention and education, teaching people to make good decisions, really did work. But that is not what we are talking about here. We are talking about those few rare cases.

We are talking about those few rare cases when a doctor had to look across a desk at a woman and say, "I hate to tell you this, but the baby you wanted, the baby you care so much about, that you are carrying, has a terrible abnormality."

I have to ask myself, why do we, as government officials, expect we can make these decisions? We know that people of means will always be able to get any health care procedure they deem necessary. That is the way it was before *Roe v. Wade*. That is the way it will be after this passes the Senate.

We are facing a moment of historic importance, but not about what we should be debating at this time in our history. I only wish this legislation were not before us. But now that it is, we have to educate the American public.

I will end by referring again to the young woman, Mrs. Eisen, who was in my office back in March. She is about 25 years younger than I am. She said: I had no idea that the decision I made with my husband and my doctor to deal with this genetic abnormality was something I could have never had under the laws of where I lived before. And that if this passes, it will become illegal in the future.

I said: Well, you didn't have to think about that. That was something that, thankfully, we took off the national agenda. But there are those who, from very deeply held beliefs, which I respect, would wish to substitute the Government's decision for what should be a difficult, painful, intimate, personal decision.

This bill is not only ill-advised, it is also unconstitutional. I understand what the other side wants to do. They are hoping to get somebody new on the Supreme Court and to turn the clock back completely, to overrule *Roe v. Wade*.

Is this bill really about what the sponsors say, or is it, as they candidly admit, the beginning of the end—to go back in this country to back-alley abortions, to women dying from botched, illegal procedures? I think you can draw your own conclusions.

It is up to the American public to determine whether they want medical decisions being criminalized by this Senate.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JIM REITER

• Mr. COLEMAN. Mr. President, I was back home in St. Paul a couple weeks

ago during our last recess, and on late Tuesday afternoon of that week, I met with my friend Randy Kelly, mayor of St. Paul.

Since I used to call his office my own, I look forward to these meetings. They give me the chance to get a firsthand update of the city. As my colleagues here in the Senate who also used to be in a mayor's office would attest, once you leave it's hard to not think and care about what you used to pay attention to so closely. A former mayor will always have an interest in the affairs and goings-on of his city.

On that note, the meeting I had with Mayor Kelly immediately began with what was to us a situation of great sadness for the city of St. Paul—the passing of Jim Reiter earlier that afternoon, a friend of ours and member of St. Paul's city council.

As you can imagine, this is unfortunate news to come home to. But during times like this, I think home is the best place for a person to be, surrounded by those who understand what it is like to lose the friend we all had in Jim.

Being with my family and reflecting with others on Jim's time and accomplishments at the council were consoling, as was reading the *Twin Cities'* newspapers the next two mornings and seeing their fitting recognition of Jim as a caring family man and dedicated servant to the people of St. Paul's North End and Como Park neighborhoods.

The papers reported that Jim "represented" these people at the city level, and that is true. But because I believe he did more than just represent the residents of these neighborhoods, I would use a different phrase to describe his efforts. I would say that Jim "took care of" these people.

For neighborhoods, he knew what was important, and that includes having both a sense of pride in where you live and a sense of safety. As a result, he saw to it that the housing conditions of his neighborhoods improved and that his residents had what all should—a library and a community center. He also made it a point to have police officers regularly patrolling the streets, and if they weren't present, Jim would take matters into his own hands by driving around in his "Crime Watch" car, a surplus police cruiser he bought with his city council car allowance.

Jim and I shared the same vision for St. Paul, and I couldn't have done what I did during my eight years as mayor without him. Jim understood my priorities to make St. Paul an even better place to live and work, and he made sure his ward measured up.

Not only has St. Paul's North End, Como Park area, and city council experienced a loss after Jim's passing, but so has the city as a whole, which was noticeable the next day when I went to a field hearing and saw flags lowered at half-staff throughout the city.

More importantly, he was my friend. I will miss his smile. I will miss his

humor. I will miss his independent speech. I will miss him.

Finally, my thoughts are with Jim's family: his wife Darlene; son Jim Jr.; daughters Linda, Debby, Jean, and Kris; and his four grandchildren. Their husband, father, and grandfather was a true civic leader and a great friend that I—and I know many others—will never forget.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURE REFERRED

The following bill was referred by unanimous consent, as follows:

S. 1781. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1781. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 21. Joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. NELSON of Florida, Mr. COCHRAN, and Mr. LOTT):

S. 1785. A bill to authorize the operation of National Guard counterdrug schools; to the Committee on Armed Services.

By Mr. KYL:

S.J. Res. 21. A joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the

permanent repeal of the death tax; read the first time.

#### ADDITIONAL COSPONSORS

S. 150

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 423

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 423, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 525

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 525, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 846

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1684

At the request of Ms. LANDRIEU, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1684, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require

that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 1741

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1741, a bill to provide a site for the National Women's History Museum in the District of Columbia.

S. 1774

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1774, a bill to repeal the sunset provisions in the Undetectable Firearms Act of 1988.

S. 1778

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1778, a bill to authorize a land conveyance between the United State and the City of Craig, Alaska, and for other purposes.

S. RES. 250

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 250, a resolution commending the people and Government of Romania, on the occasion of the visit of Romanian President Ion Iliescu to the United States, for the important progress they have made with respect to economic reform and democratic development, as well as for the strong relationship between Romania and the United States.

AMENDMENT NO. 1939

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1939 proposed to H.R. 2989, a bill making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. NELSON of Florida, Mr. COCHRAN, and Mr. LOTT):

S. 1785. A bill to authorize the operation of National Guard counterdrug schools; to the Committee on Armed Services.

Mr. GRASSLEY. Mr. President, every day, police officers from departments of all sizes spend their days trying to make sure the people under their protection have a safe and secure place to live, work, and play. But those who wish to break our laws don't make this an easy task. The tactics, threats, and information available to the modern criminal continue to grow. Just as developments in technology, transportation, and communications have cre-

ated new opportunities for businesses to enter new markets, develop new products, and discover new efficiencies, crooks have taken advantage of these same developments to further their personal desires.

Law enforcement has a responsibility to stay abreast of the latest developments, and this means learning the latest technologies and techniques used by criminals, as well as understanding and being able to effectively deploy countermeasures that have been developed. Staying on top of the game demands learning new techniques, understanding new technologies, and employing new tactics to counter the latest criminal scam.

The challenge, then, is in identifying where this training should come from. Most citizens expect cops to learn many of these skills on the job—you never see the detectives on "NYPD Blue" or in "Law and Order" take classes to improve their skills. But the truth of the matter is what while on the job training is an essential part of any law enforcement organization, additional schooling is also increasingly prevalent and necessary. Some departments have funds in their budgets to bring in outside experts to provide training. Some depend upon classes offered by State governments. But for a vast number of departments, particularly those serving smaller, rural populations, the only training opportunities available are offered by the National Guard.

Operating under the authority of Title 32, United States Code, Section 112, the National Guard actively supports local, State, and Federal law enforcement agencies and community based anti-drug coalitions. Over the past several years, the Guard has supported the establishment of five Counterdrug schools which facilitate valuable training for State and local law enforcement agencies. These schools are dedicated to teaching counterdrug-related skills to State and local law enforcement agencies and community-based organizations. The classes range from specialties such as how best to search a loaded semi tractor-trailer for narcotics to generally applicable classes on interviewing or surveillance techniques. They provide training to thousands of officers each year who would otherwise not be able to receive it for a lack of resources.

These schools, located in Pennsylvania, Florida, Iowa, Mississippi, and California, but serving law enforcement officers throughout the United States, have proved their effectiveness in developing training and educational opportunities for local law enforcement officials—opportunities that would not otherwise exist. The schools fill a need readily apparent in conversations with State and local law enforcement officers. The National Guard Counterdrug schools represent one of the few opportunities available to State and local law enforcement officers to improve the skills they need to

be as effective as possible in maintaining the peace.

But in addition to law enforcement, community-based organizations also receive valuable training from the National Guard Schools, which allows them to be much more effective in their efforts. Almost any law enforcement officer will tell you that they would rather have a successful prevention effort, a way to convince kids that crime really doesn't pay, rather than having these kids begin a life of crime. Organized, motivated, effective community coalitions are a central, bipartisan component of our nation's drug demand reduction strategy.

The challenge the schools face is one of funding. They have been funded to date by State Plans funds from the Defense department and line items from Congress. The funding to each school has varied from year to year, making it exceedingly difficult for the schools and the law enforcement agencies they serve to know how many of what classes will be offered. And while I do not believe this should be an issue, there have been some questions raised as to whether the operation of these schools should be conducted by the Guard.

Today I am pleased to be joined by Senators HARKIN, COCHRAN, and NELSON in introducing legislation that addresses these challenges. This legislation will formally authorize the five schools, and create a separate budget account for the schools. The establishment of a single account for all five Counterdrug schools will stabilize the funding for the schools so they can more efficiently and effectively plan, manage, and execute training for the law enforcement officers and the communities they serve.

In addition, a single line item supporting these schools will relieve the need for each school having to depend upon a Congressional line item for funding for their activities. It will provide easier management, oversight, and the establishment of performance expectations of the Schools by both the National Guard and Congress. With better oversight, management, and creating a regular funding stream, the schools will be able to better serve the training needs of state and local law enforcement.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1965. Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

SA 1966. Mr. DEWINE (for himself, Mr. DURBIN, Mr. COLEMAN, Mr. WARNER, Mr. DASCHLE, Mr. LEAHY, Mr. GRAHAM of South Carolina, and Mr. ALEXANDER) proposed an amendment to the bill H.R. 2800, *supra*.

SA 1967. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2800, *supra*; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1965.** Mr. MCCONNELL (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

## TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES  
INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

For necessary expenses of the Office of Inspector General of the Export-Import Bank of the United States in carrying out the provisions of the Inspector General Act of 1978, as amended, \$1,000,000.

EXPORT-IMPORT BANK LOANS PROGRAM  
ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments with-out regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2004.

## ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, \$74,395,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2004.

OVERSEAS PRIVATE INVESTMENT CORPORATION  
NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the

credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$41,385,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

## PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2004 and 2005: *Provided further*, That such sums shall remain available through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004, and through fiscal year 2013 for the disbursement of direct and guaranteed loans obligated in fiscal year 2005.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT  
TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until September 30, 2005.

## TITLE II—BILATERAL ECONOMIC ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2004, unless otherwise specified herein, as follows:

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, \$1,435,500,000, to remain available until September 30, 2005: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to ex-

ceed \$150,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: \$345,000,000 for child survival and maternal health; \$30,000,000 for vulnerable children; \$500,000,000 for HIV/AIDS including not less than \$22,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; \$185,000,000 for other infectious diseases; and \$375,500,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: *Provided further*, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, \$18,000,000 should be made available for the International AIDS Vaccine Initiative: *Provided further*, That of the funds appropriated under this heading, \$60,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to \$6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and the preceding proviso: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the

project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

#### DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,423,000,000, to remain available until September 30, 2005: *Provided*, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That \$220,000,000 should be allocated for basic education: *Provided further*, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, \$40,000,000 should be made available for plant biotechnology research and development: *Provided further*, That not less than \$2,300,000 should be made available for core support for

the International Fertilizer Development Center: *Provided further*, That of the funds appropriated under this heading, not less than \$1,000,000 shall be made available for support of the United States Telecommunications Training Institute: *Provided further*, That of the funds appropriated under this heading, not less than \$20,000,000 should be made available for the American Schools and Hospitals Abroad program: *Provided further*, That of the funds appropriated under this heading, up to \$3,000,000 should be made available for support of the International Real Property Foundation: *Provided further*, That of the funds appropriated by this Act, \$100,000,000 shall be made available for drinking water supply projects and related activities.

#### INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$235,500,000, to remain available until expended.

#### FAMINE FUND

For necessary expenses for famine prevention and relief, including for mitigation of the effects of famine, pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$100,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading shall be available for obligation subject to prior consultation with the Committees on Appropriations.

#### TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, up to \$21,000,000, to remain available until September 30, 2005, and to be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,000,000, to remain available until September 30, 2004, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$43,859,000.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, \$604,100,000, of

which up to \$25,000,000 may remain available until September 30, 2005: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2005: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed \$1,000,000.

#### CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667, \$100,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: *Provided further*, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$35,000,000, to remain available until September 30, 2005, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

#### OTHER BILATERAL ECONOMIC ASSISTANCE ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,415,000,000, to remain available until September 30, 2005: *Provided*, That of the funds appropriated under this heading, not less than \$480,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That not less than \$575,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding



that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than \$200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That for fiscal year 2004, the Egyptian pound equivalent of \$50,000,000 generated from funds made available by this paragraph or generated from funds appropriated under this heading in prior appropriations Acts, shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for costs associated with the relocation of the American University in Cairo: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of non-military exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading, not less than \$250,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, up to \$5,000,000 may be made available for the Yitzhak Rabin Center for Israel Studies in Tel Aviv, Israel, and up to \$5,000,000 may be made available for the Center for Human Dignity Museum of Tolerance in Jerusalem, Israel: *Provided further*, That of the funds appropriated under this heading, up to \$1,000,000 should be used to further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: *Provided further*, That of the funds appropriated under this heading that are made available for assistance for Pakistan, not less than \$10,000,000 should be made available to support programs and activities conducted by indigenous organizations that seek to further educational, health, employment, and other opportunities for the people of Pakistan: *Provided further*, That of the funds made available for indigenous organizations pursuant to the previous proviso, \$4,000,000 should be made available for the Pakistan Human Development Fund and \$1,000,000 for the Amanut Society: *Provided further*, That \$15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicultural projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and co-operation between the two communities on Cyprus: *Provided further*, That \$35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than \$4,000,000 shall be made available only for American educational institutions for scholarships and other programs: *Provided further*, That notwithstanding section 634(a) of this Act, funds appropriated under this heading that are made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: *Provided further*, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste to support subsistence agriculture and other income generating opportunities, expand basic education and vocational training, strengthen the judiciary, promote good governance

and the sustainable use of natural resources, and improve health care and other basic human services and physical infrastructure: *Provided further*, That of the funds appropriated under this heading, not less than \$250,000 shall be made available to support the Commission to Investigate Illegal Groups and Clandestine Security Apparatus in Guatemala: *Provided further*, That of the funds appropriated under this heading, not less than \$2,500,000 shall be made available for assistance for countries to implement and enforce the Kimberley Process Certification Scheme: *Provided further*, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: *Provided further*, That of the funds appropriated under this heading, not less than \$2,500,000 shall be made available during fiscal year 2004 for a contribution to the Special Court for Sierra Leone: *Provided further*, That of the funds appropriated under this heading, not less than \$3,500,000 should be made available for East Asia and Pacific Environment Initiatives: *Provided further*, That of the funds appropriated under this heading, \$10,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: *Provided further*, That of the funds appropriated under this heading, \$3,000,000 should be made available for the Foundation for Security and Sustainability: *Provided further*, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

#### GLOBAL AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$700,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$250,000,000 may be made available, notwithstanding any other provision of law, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria: *Provided further*, That such contribution shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That of the funds appropriated under this heading, \$150,000,000 is made available for the International Mother and Child HIV Prevention Initiative: *Provided further*, That funds made available for HIV/AIDS programs and activities under the headings "Child Survival and Health Programs Fund", "Economic Support Fund", "Assistance for Eastern Europe and the Baltic States" and "Assistance for the Independent States of the Former Soviet Union" in this Act may be transferred to and merged with funds appropriated under this

heading: *Provided further*, That of the funds appropriated under this heading, \$20,000,000 may be apportioned directly to the Peace Corps to remain available until expended for necessary expenses to carry out activities to combat HIV/AIDS, tuberculosis and malaria: *Provided further*, That of the funds appropriated under this heading, not more than \$8,000,000 may be made available for administrative expenses of the office of the "Coordinator of United States Government Activities to Combat HIV/AIDS Globally" of the Department of State.

#### ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$445,000,000, to remain available until September 30, 2005, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That of the funds appropriated under this heading that are made available for assistance for Bulgaria, \$3,000,000 should be made available to enhance safety at nuclear power plants: *Provided further*, That of the funds appropriated under this heading, up to \$1,000,000 should be made available for a program to promote greater understanding and interaction among youth in Albania, Kosovo, Montenegro and Macedonia: *Provided further*, That of the funds appropriated under this heading, and under the headings "Assistance for the Independent States of the Former Soviet Union" and "Economic Support Fund", not less than \$50,000,000 shall be made available for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 629 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: *Provided*, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 629 of this Act, local currencies generated by, or



converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

#### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$596,000,000, to remain available until September 30, 2005: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: *Provided further*, That of the funds appropriated under this heading, \$20,000,000 shall be made available solely for assistance for the Russian Far East: *Provided further*, That not less than \$3,000,000 shall be made available for programs and activities authorized under section 307 of the FREEDOM Support Act (Public Law 102-511): *Provided further*, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102-511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than \$20,000,000 shall be made available for nuclear reactor safety initiatives, of which \$14,000,000 should be for simulator-related projects; and not less than \$2,000,000 shall be made available for coal mine safety programs.

(c) Of the funds appropriated under this heading, \$75,000,000 should be made available for assistance for Georgia.

(d) Of the funds appropriated under this heading, not less than \$75,000,000 shall be made available for assistance for Armenia.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

#### INDEPENDENT AGENCIES INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$16,334,000, to remain available until September 30, 2005.

#### AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, \$18,689,000, to remain available until September 30, 2005: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

#### PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$310,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2005: *Provided further*, That during fiscal year 2004 and any subsequent fiscal year, the Director of the Peace Corps may make appointments or assignments, or extend current appointments or assignments, to permit United States citizens to serve for periods in excess of 5 years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: *Provided further*, That the Direc-

tor of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed 5 years, and the percentage of appointments or assignments that can be made in excess of 5 years.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$284,550,000, to remain available until expended: *Provided*, That during fiscal year 2004, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, \$20,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: *Provided further*, That of the funds appropriated under this heading, \$7,105,000 should be made available for the International Law Enforcement Academy in Roswell, New Mexico: *Provided further*, That of the funds appropriated under this heading, not more than \$25,117,000 may be available for administrative expenses.

##### ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, \$660,000,000, to remain available until expended: *Provided*, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional \$37,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading "International Narcotics Control and Law Enforcement" in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: *Provided further*, That in fiscal year 2004, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided further*, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: *Provided further*, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: *Provided further*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall

provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That of the funds appropriated under this heading, not less than \$250,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for alternative development/institution building including judicial reform, of which not less than \$165,000,000 shall be made available for such purposes in Colombia; *Provided further*, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for judicial reform in Colombia; *Provided further*, That of the funds appropriated under this heading, in addition to funds made available pursuant to the previous proviso, not less than \$2,500,000 shall be made available to protect human rights defenders in Colombia, not less than \$2,500,000 shall be made available for the United Nations Office of the High Commissioner for Human Rights in Colombia, not less than \$10,000,000 shall be made available for assistance for the Colombian Attorney General's Human Rights Unit, and not less than \$2,500,000 shall be made available for assistance for the human rights unit of the Colombian Procuraduria; *Provided further*, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency (EPA), certifies to the Committees on Appropriations that: (1) the herbicide mixture is being used in accordance with EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA for this program, and with the Colombian Environmental Management Plan for aerial fumigation; (2) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment; (3) complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims; and such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation; *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading; *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act that are made available for Colombia, shall be made available subject to the regular notification procedures of the Committees on Appropriations; *Provided further*, That the provisions of section 3204(b) through (d) of Public Law 106-246, as amended by Public Law 107-115, shall be applicable to funds appropriated for fiscal year 2004; *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia; *Provided further*, That funds appropriated

under this heading that are available for the Bolivian military and police may be made available if the Secretary of State determines and reports to the Committees on Appropriations that (1) the Bolivian Government is vigorously investigating and prosecuting members of the Bolivian military and police who have been credibly alleged to have committed gross violations of human rights and is promptly punishing those found to have committed such violations; and (2) the Bolivian military and police are cooperating with such investigations and prosecutions; *Provided further*, That of the funds appropriated under this heading, not more than \$16,285,000 may be available for administrative expenses of the Department of State, and not more than \$4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

#### MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$760,197,000, which shall remain available until expended; *Provided*, That not more than \$18,500,000 may be available for administrative expenses; *Provided further*, That not less than \$50,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel; *Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement; *Provided further*, That funds made available under this heading should be made available to international organizations for assistance for refugees from North Korea; *Provided further*, That funds made available under this heading should be made available for assistance for persons in Thailand who fled Burma for humanitarian or other reasons; *Provided further*, That none of the funds appropriated by this Act shall be provided to the central Government of Nepal until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Nepal is cooperating with the United Nations High Commissioner for Refugees and other appropriate international organizations on issues concerning the protection of refugees from Tibet.

#### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$40,000,000, to remain available until expended.

#### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related

programs and activities, \$385,200,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission; *Provided*, That of this amount not to exceed \$35,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament; *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so; *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency; *Provided further*, That of the funds appropriated under this heading, \$19,300,000 shall be made available for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission; *Provided further*, That notwithstanding the previous proviso, funds earmarked in the previous proviso that are not made available during fiscal year 2004 for a contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission shall be made available for a voluntary contribution to the International Atomic Energy Agency and shall remain available until September 30, 2005; *Provided further*, That of the funds made available for demining and related activities, not to exceed \$690,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program; *Provided further*, That the Secretary of State is authorized to provide not to exceed \$250,000 for public-private partnerships for mine action by grant, cooperative agreement, or contract.

#### DEPARTMENT OF THE TREASURY INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), \$12,000,000, to remain available until September 30, 2006, which shall be available notwithstanding any other provision of law.

#### DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the

Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$195,000,000, to remain available until expended: *Provided*, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That \$75,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration:

*Provided further*, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

- (1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as “enclave” loans; and
- (2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes: *Provided further*, That any limitation of subsection (e) of section 411 of the Agricultural

Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

#### TITLE III—MILLENNIUM CHALLENGE ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT MILLENNIUM CHALLENGE ASSISTANCE

(a) For necessary expenses in furtherance of the purposes applicable to the provision of economic assistance under the Foreign Assistance Act of 1961, up to \$1,000,000,000, to remain available until expended, for assistance for countries that have demonstrated commitment to (1) just and democratic governance, (2) economic freedom, and (3) investing in the well-being of their own people.

(b) In addition to meeting the criteria contained in subsection (a), a country shall be eligible to receive assistance under this title if—

- (1) it is eligible to receive loans from the International Development Association; and
- (2) it is not ineligible to receive assistance under provisions of law that would prohibit assistance under part I of the Foreign Assistance Act of 1961.

(c) Prior to the initial obligation of funds appropriated in subsection (a), the President shall consult with the Committees on Appropriations with regard to the—

- (1) criteria that will be used to select the countries to receive assistance from funds appropriated under this heading;
  - (2) inter-agency process by which such criteria have been developed and plans to continually refine those criteria;
  - (3) plans to ensure effective program, financial, and management oversight of the assistance provided under this heading; and
  - (4) plans to evaluate program performance.
- (d) Among the criteria to be considered in determining the eligibility of a country for assistance under this title shall be a country's demonstrated commitment to economic policies that promote the sustainable use of natural resources.

(e) The President is authorized to establish within the Executive Branch, a corporation to be known as the Millennium Challenge Corporation (hereinafter in this title referred to as the “Corporation”). It shall be the responsibility of the Corporation to implement this title. The management of the Corporation and its functions, powers, and authorities shall be as contained in title II of S. 1240 as introduced in the Senate on June 11, 2003.

(f) Funds appropriated under this title may be made available notwithstanding any other provision of law other than the provisions of this title, and may be made available for the administrative expenses of the Corporation.

(g) Funds appropriated under this title shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

#### TITLE IV—MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$91,700,000, of which up to \$3,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would con-

tribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training, and funds made available for Algeria, Cambodia, Nigeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

##### FOREIGN MILITARY FINANCING PROGRAM (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,384,000,000: *Provided*, That of the funds appropriated under this heading, not less than \$2,160,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$568,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, \$206,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, \$2,500,000 shall be made available for assistance for Armenia: *Provided further*, That of the funds appropriated by this paragraph, \$15,000,000 shall be transferred to and merged with funds appropriated under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, and made available, in addition to amounts otherwise available for such purposes, as follows: \$10,000,000, to remain available until expended, shall be made available to carry out the provisions of section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament; \$2,000,000 shall be made available to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for the Small Arms/Light Weapons Destruction program; and \$3,000,000 shall be made available as an additional contribution to the International Atomic Energy Agency: *Provided further*, That of the funds appropriated by this paragraph, not less than \$17,000,000 shall be transferred to and merged with funds appropriated under the heading “Andean Counterdrug Initiative” and made available for aircraft and related assistance for the Colombian National Police: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which

such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 615 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan, Guatemala and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through non-governmental and international organizations: *Provided further*, That the authority contained in the previous proviso or any other provision of law relating to the use of funds for programs under this heading, including provisions contained in previously enacted appropriations Acts, shall not apply to activities relating to the clearance of unexploded ordnance resulting from United States Armed Forces testing or training exercises: *Provided further*, That the previous proviso shall not apply to San Jose Island, Republic of Panama: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$40,500,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than \$361,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2004 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2004 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

#### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$84,900,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

#### TITLE V—MULTILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL FINANCIAL INSTITUTIONS GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$170,997,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$976,825,000, to remain available until expended.

##### CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$1,124,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$16,340,000.

##### CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, \$8,898,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

##### CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$30,614,000, to remain available until expended.

##### CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$136,921,000, to remain available until expended.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$5,105,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$79,610,000.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$118,081,000, to remain available until expended.

##### CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$35,431,000, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$122,085,000.

##### CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$15,004,000, to remain available until expended.

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$314,550,000: *Provided*, That of the funds appropriated under this heading, \$120,000,000 shall be made available for a contribution to the United Nations Children's Fund, \$11,428,500 shall be made available for a contribution to the United Nations Environment Program, \$5,465,875 shall be made available for the United Nations Voluntary Fund for Victims of Torture, \$3,621,250 shall be made available for the Organization of American States Fund for Strengthening Democracy, \$1,937,975 shall be made available for International Contributions for Scientific, Educational and Cultural Activities, \$1,000,000 shall be made available for the United Nations Center for Human Settlements, \$1,500,000 shall be made available for the United Nations Fund for Human Rights, \$6,732,750 shall be made available for International Conservation Programs, and \$5,600,000 shall be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: *Provided further*, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

#### TITLE VI—GENERAL PROVISIONS

##### OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 601. Except for the appropriations entitled "International Disaster Assistance" and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

##### PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 602. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

##### LIMITATION ON RESIDENCE EXPENSES

SEC. 603. Of the funds appropriated or made available pursuant to this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned

foreign currencies are utilized in lieu of dollars.

#### LIMITATION ON EXPENSES

SEC. 604. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

#### LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 605. Of the funds appropriated or made available pursuant to this Act, not to exceed \$125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed \$2,000 shall be available for entertainment expenses and not to exceed \$125,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed \$2,000 shall be available for representation and entertainment allowances.

#### PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 606. None of the funds appropriated or made available (other than funds for "Non-proliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

#### PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That, for the purposes of section 501 of Public Law 106-570, the terms "areas outside of control of the Government of Sudan" and "area in Sudan outside of control of the Government of Sudan" shall, upon conclusion of a peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, have the same meaning and application as was the case immediately prior to the conclusion of such agreement: *Provided further*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

#### MILITARY COUPS

SEC. 608. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: *Provided*, That assistance may be resumed to such government if the President

determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

#### TRANSFERS

SEC. 609. (a) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than five days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(b) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

#### DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 610. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this section may not be used in fiscal year 2004.

#### AVAILABILITY OF FUNDS

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

#### LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 612. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess

of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

#### COMMERCE AND TRADE

SEC. 613. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

#### SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

#### NOTIFICATION REQUIREMENTS

SEC. 615. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival

and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

#### LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 616. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2005.

#### INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 617. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a

government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

#### PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 618. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

#### EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 619. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2004, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### SPECIAL NOTIFICATION REQUIREMENTS

SEC. 620. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

#### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 621. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

#### CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 622. Up to \$15,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of

higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: *Provided further*, That of the funds appropriated under title II of this Act, not less than \$445,000,000 shall be made available for family planning/reproductive health.

#### AFGHANISTAN

SEC. 623. Of the funds appropriated by this Act, \$600,000,000 shall be made available for assistance for Afghanistan, of which not less than \$395,000,000 shall be made available for humanitarian, reconstruction, and related assistance: *Provided*, That of the funds made available pursuant to this section, not less than \$164,000,000 should be from funds appropriated under the heading "Economic Support Fund" for rehabilitation of primary roads, implementation of the Bonn Agreement and women's development programs: *Provided further*, That of the funds made available pursuant to this section, not less than \$4,500,000 shall be made available for the Afghan Human Rights Commission and not less than \$2,500,000 shall be made available for the Afghan Judicial Reform Commission: *Provided further*, That of the funds made available pursuant to this section, not less than \$10,000,000 shall be made available to support activities of the Afghan Ministry of Women's Affairs, including to improve the capacity and effectiveness of the Ministry: *Provided further*, That funds made available pursuant to this section shall be made available for training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations: *Provided further*, That not less than \$2,500,000 shall be made available for assistance for Afghan communities and families that suffer losses as a result of the military operations.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 624. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such ex-

cess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### AUTHORIZATION REQUIREMENT

SEC. 625. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", "Peace Corps", "Millennium Challenge Assistance", and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

#### DEMOCRACY PROGRAMS

SEC. 626. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than \$35,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet: *Provided*, That not to exceed \$3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China: *Provided further*, That funds appropriated under the heading "Economic Support Fund" should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: *Provided further*, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: *Provided further*, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than \$25,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: *Provided*, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: *Provided further*, That not less than \$3,000,000 of such funds shall be made available for programs and activities that provide professional training for journalists: *Provided further*, That notwithstanding any other provision of law, funds made available pursuant to the authority of this subsection may be made available to support the advancement of democracy and human rights in Iran: *Provided further*, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Of the funds made available under subsection (a), not less than \$15,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than \$15,000,000 shall be made available for such

Fund to support the activities described in subsection (b): *Provided*, That funds made available in this section for such Fund are in addition to the \$17,000,000 requested by the President for the Fund for fiscal year 2004.

(d) Of the funds made available under subsection (a), not less than \$10,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than \$5,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (b): *Provided*, That the funds appropriated by this Act that are made available for the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation, and the Secretary of State shall provide a report to the Committees on Appropriations within 120 days of the date of enactment of this Act on the status of the allocation, obligation, and expenditure of such funds.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 627. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or  
(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

#### DEBT-FOR-DEVELOPMENT

SEC. 628. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### SEPARATE ACCOUNTS

SEC. 629. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and



(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the require-

ments of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

#### COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 630. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

#### DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 631. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or who have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

#### AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 632. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

#### IMPACT ON JOBS IN THE UNITED STATES

SEC. 633. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

#### SPECIAL AUTHORITIES

SEC. 634. (a) AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 612 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) CONTINGENCIES.—During fiscal year 2004, the President may use up to \$50,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).



(f) **SMALL BUSINESS.**—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) **SHIPMENT OF HUMANITARIAN ASSISTANCE.**—During fiscal year 2004, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961, funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.

(h) **RECONSTITUTING CIVILIAN POLICE AUTHORITY.**—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(i) **WORLD FOOD PROGRAM.**—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than \$6,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

#### ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 635. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 636. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of

justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

#### ELIGIBILITY FOR ASSISTANCE

SEC. 637. (a) **ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.**—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) **PUBLIC LAW 480.**—During fiscal year 2004, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) **EXCEPTION.**—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

#### EARMARKS

SEC. 638. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Adminis-

trator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

#### CEILINGS AND EARMARKS

SEC. 639. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements or prohibitions contained in any other Act shall not be applicable to funds appropriated by this Act.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 640. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed \$750,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

#### PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 641. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

#### NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 642. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 643. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and

an explanation of how the assistance furthers United States national interests.

#### WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 644. Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines determined to be owed under the parking programs in the District of Columbia and New York City, New York by such country as of September 30, 2003 that were incurred after the first day of the fiscal year preceding the current fiscal year shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the Committees on Appropriations that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

#### LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 645. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

#### WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 646. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

#### LANDMINES

SEC. 647. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

#### RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 648. None of the funds appropriated by this Act may be obligated or expended to

create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

#### PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 649. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

#### TIBET

SEC. 650. The Secretary of Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

#### HAITI

SEC. 651. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

#### LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 652. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States and that the Palestinian Authority has taken steps to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6

months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

#### LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 653. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

#### ENVIRONMENT PROGRAMS

SEC. 654. (a) FUNDING.—Of the funds appropriated by this Act, not less than \$485,000,000 shall be made available for environment programs: *Provided*, That of the funds appropriated under the heading "Development Assistance", not less than \$165,000,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries: *Provided further*, That of the funds made available under the previous proviso, \$1,500,000 shall be made available to improve the capacity of indigenous groups and local environmental organizations and law enforcement agencies to protect the biodiversity of indigenous reserves in the Amazon Basin region of Brazil, which amount shall be in addition to the amount requested in this Act for assistance for Brazil for fiscal year 2004: *Provided further*, That not later than 180 days after enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and other appropriate departments and agencies, and after consultation with appropriate nongovernmental organizations and governments, shall submit to the Committees on Appropriations a comprehensive, multi-year action plan for biodiversity conservation in the Amazon Basin region of South America: *Provided further*, That of the funds appropriated under the headings "Development Assistance" and "Andean Counterdrug Initiative", not less than \$10,000,000 shall be made available in fiscal year 2004 to implement the action plan described in the previous proviso: *Provided further*, That funds appropriated by this Act under the heading "Child Survival and Health Programs Fund" should be used to fund child survival, health, and family planning activities of integrated population-health-environment programs, including in areas where biodiversity and endangered species are threatened, and funds appropriated by this Act under the heading "Development

Assistance" should be used to fund environment, conservation, natural resource management, and sustainable agriculture activities of such integrated programs: *Provided further*, That of the funds appropriated by this Act, not less than \$185,000,000 shall be made available to support policies and programs in developing countries and countries in transition that directly (1) promote a wide range of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs.

(b) CLIMATE CHANGE REPORT.—Not later than 45 days after the date on which the President's fiscal year 2005 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2004, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2003 obligations and estimated expenditures, fiscal year 2004 estimated expenditures and estimated obligations, and fiscal year 2005 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (i) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (ii) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (iii) to promote carbon capture and sequestration measures; (iv) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (v) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

#### REGIONAL PROGRAMS FOR EAST ASIA AND THE PACIFIC

SEC. 655. Funds appropriated by this Act under the heading "Economic Support Fund" that are allocated for "Regional Democracy" and "ASEAN Regional" assistance for East Asia and the Pacific shall be made available for the Human Rights and Democracy Fund of the Bureau for Democracy, Human Rights and Labor, Department of State to support democracy programs in Iraq.

#### ZIMBABWE

SEC. 656. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

#### NIGERIA

SEC. 657. None of the funds appropriated under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Nigeria until the President certifies to the Committees on Appropriations that the Nigerian Minister of

Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice: *Provided*, That the President may waive such prohibition if he determines that doing so is in the national security interest of the United States: *Provided further*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing the involvement of the Nigerian Armed Forces in the incident in Benue State, the measures that are being taken to bring such individuals to justice, and whether any Nigerian Armed Forces units involved with the incident in Benue State are receiving United States assistance.

#### BURMA

SEC. 658. (a) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(b) Of the funds appropriated under the heading "Economic Support Fund", not less than \$15,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: *Provided*, That funds made available under this heading may be made available notwithstanding any other provision of law: *Provided further*, That not more than 60 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the Committees on Appropriations detailing the amount and rate of disbursement of fiscal years 2002 and 2003 funding for HIV/AIDS programs and activities in Burma, the amount of funds expended by the State Peace and Development Council (SPDC) on HIV/AIDS programs and activities in calendar years 2001, 2002, and 2003, and the extent to which international nongovernmental organizations are able to conduct HIV/AIDS programs throughout Burma, including the ability of expatriate staff to freely travel through the country and to conduct programmatic oversight independent of SPDC handling and monitoring: *Provided further*, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

#### ENTERPRISE FUND RESTRICTIONS

SEC. 659. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

#### CAMBODIA

SEC. 660. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, programs to combat human trafficking that are provided through nongovernmental organizations, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", \$7,000,000 shall be made available, notwithstanding subsection (b), for assistance for democratic opposition political parties in Cambodia.

(d) Funds appropriated by this Act to carry out provisions of section 541 of the Foreign Assistance Act of 1961 may be made available notwithstanding subsection (b) only if at least 15 days prior to the obligation of such funds, the Secretary of State provides to the Committees on Appropriations a list of those individuals who have been credibly alleged to have ordered or carried out extrajudicial and political killings that occurred during the March 1997 grenade attack against the Khmer Nation Party, the July 1997 coup d'etat, and election related violence that occurred during the 1998, 2002, and 2003 elections in Cambodia.

(e) None of the funds appropriated or otherwise made available by this Act may be used to provide assistance to any tribunal established by the Government of Cambodia unless the Secretary of State certifies to the Committees on Appropriations that the perpetrators of the March 1997 grenade attack and election-related killings, including former parliamentarian Om Radsady, have been arrested and prosecuted.

#### FOREIGN MILITARY TRAINING REPORT

SEC. 661. (a) Notwithstanding any other provision of law, the Secretary of Defense and the Secretary of State shall jointly provide to the Congress by May 1, 2004, a report on all military training provided to foreign military personnel (excluding sales and training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization (NATO) or of a country that has concluded a protocol with NATO for accession to NATO) under programs administered by the Department of Defense and the Department of State during fiscal year 2003 and those proposed for fiscal year 2004. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

#### ENTERPRISE FUNDS IN THE MIDDLE EAST REGION

SEC. 662. (a) Funds appropriated by this Act under the heading "Economic Support Fund" may be made available, notwithstanding any other provision of law, to establish and operate one or more enterprise

funds in the Middle East region for the purpose of supporting the private sectors in that region: *Provided*, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply with respect to such enterprise funds: *Provided further*, That prior to obligating any funds for purposes other than the administrative support of any such enterprise fund, and every six months after the establishment of such fund, the President shall certify and report to the Committees on Appropriations that—

(1) the enterprise fund has taken all appropriate steps to ensure that amounts appropriated by this Act that are provided to the fund for the purpose of assisting the development of the private sector are not provided to or through any individual or entity that the management of the fund knows or has reason to believe advocates, plans, sponsors, or engages in, or has engaged in, terrorist activity;

(2) the enterprise fund furthers United States commercial interests in the region; and

(3) the enterprise fund is managed in a fiscally responsible manner.

#### PALESTINIAN STATEHOOD

SEC. 663. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity, that has not supported acts of terrorism, has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) has established a new Palestinian security entity that is fully cooperative with appropriate Israeli and other appropriate security organizations; and

(D) has taken appropriate measures to enact a constitution assuring the rule of law and other reforms assuring transparent and accountable governance.

(b) WAIVER.—The President may waive subsection (a) if he determines that it is in the national security interests of the United States to do so.

(c) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 652 of this Act ("Limitation on Assistance to the Palestinian Authority").

#### COLOMBIA

SEC. 664. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 50 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 25 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the

Armed Forces those members, of whatever rank, who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Armed Forces are dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(3) The balance of such funds may be obligated after July 31, 2004, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONSULTATIVE PROCESS.—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

#### ILLEGAL ARMED GROUPS

SEC. 665. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

#### PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 666. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

#### IRAQ

SEC. 667. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for assistance for Iraq: *Provided*, That the provisions of section 620G of the Foreign Assistance Act of 1961, or any other provision of law that applies to countries that have supported terrorism, shall not apply with respect to countries that provide assistance to Iraq: *Provided further*, That funds appropriated by this Act or prior appropriations Acts for Iraq should be made available for the removal and safe disposal in Iraq of unexploded ordnance, low level radioactive waste, and other environmental hazards: *Provided further*, That not less than \$10,000,000 of the funds appropriated by this Act or prior appropriations Acts that are made available for assistance for Iraq should be made available for investigations of human rights violations by the former Iraq regime including the excavation of mass graves: *Provided further*, That funds made available under this section are made available subject to the regular notification procedures of the Committees on Appropriations.

#### WEST BANK AND GAZA PROGRAM

SEC. 668. (a) OVERSIGHT.—For fiscal year 2004, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) AUDITS.—(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading "Economic Support

Fund" that are made available for assistance for the West Bank and Gaza, up to \$1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

#### INDONESIA

SEC. 669. Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and is punishing those members of the Indonesian Armed Forces found to have committed such violations of human rights or to have aided or abetted militia groups;

(3) the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in Indonesia and with the joint United Nations-East Timor Serious Crimes Unit (SCU) in such cases (including extraditing those indicted by the SCU to East Timor and providing access to witnesses, relevant military documents, and other requested information);

(4) the Indonesian Government and Armed Forces are cooperating with the Federal Bureau of Investigation's investigation of the killings and wounding of American and Indonesian citizens in Papua on August 31, 2002; and

(5) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces.

#### RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING WEST AFRICA

SEC. 670. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone or Liberia.

(b) Whenever the prohibition on assistance required under subsection (a) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

#### SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 671. (a) **AUTHORITY TO REDUCE DEBT.**—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace

Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

#### (b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) **CONDITIONS.**—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) **CERTAIN PROHIBITIONS INAPPLICABLE.**—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

#### AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 672. (a) **LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.**—

(1) **AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.**—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with the local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) **TERMS AND CONDITIONS.**—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) **ADMINISTRATION.**—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) **LIMITATION.**—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) **DEPOSIT OF PROCEEDS.**—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) **ELIGIBLE PURCHASERS.**—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) **DEBTOR CONSULTATIONS.**—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

#### CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 673. Funds appropriated in Public Law 107-115 and Public Law 108-7 that were available for the United Nations Population Fund (UNFPA), and \$35,000,000 in this Act, shall be made available for the UNFPA unless the President determines that the UNFPA supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided*, That none of the funds made available for the UNFPA may be used in the People's Republic of China: *Provided further*, That the other conditions on availability of funds for abortion and abortion-related activities contained in this Act shall apply to any assistance provided for the UNFPA in this Act: *Provided further*, That the conditions on availability of funds for the UNFPA as contained in section 576(c) of Public Law 107-115 shall apply to any assistance provided for the UNFPA in this Act.

#### CENTRAL ASIA

SEC. 674. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for human

rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media.

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(c) The Secretary of State may waive the requirements under subsection (b) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

(d) Not later than October 1, 2004, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 6-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(e) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

#### COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 675. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

#### WAR CRIMINALS

SEC. 676. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and

the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

#### USER FEES

SEC. 677. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

#### FUNDING FOR SERBIA

SEC. 678. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 1, 2004, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2004, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia (or a government of a successor state) subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply

to the provision of loans and assistance to the Federal Republic of Yugoslavia (or a successor state) through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia (or a government of a successor state) is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees, including Ratko Mladic, or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

#### MULTILATERAL DEVELOPMENT BANK ACCOUNTABILITY

SEC. 679. Beginning not more than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank or subsidiary or window thereof (hereinafter "Bank"), not to vote in favor of any action proposed to be taken by such Bank unless not less than 45 days before consideration by the board of directors of such Bank, the Secretary of State, in consultation with the Secretary of the Treasury, has determined that—

(1) such Bank is implementing regular, independent external audits of internal management controls and procedures for meeting operational objectives, complying with Bank policies, and preventing fraud, and is making reports describing the scope and findings of such audits available to the public on at least an annual basis;

(2) any proposed loan, credit, or grant agreement has been published and includes the resources and conditionality necessary to ensure that the borrower complies with applicable laws in carrying out such loan, credit, or grant agreement, including laws pertaining to the integrity and transparency of the process such as public consultation, and to public health and safety and environmental protection; and

(3) such Bank is implementing effective procedures for the receipt, retention, and treatment of (A) complaints received by the Bank regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters; and (B) the confidential, anonymous submission by employees of the Bank of concerns regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters.

#### COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS

SEC. 680. (a) Subject to subsection (b), of the funds appropriated under the heading "International Narcotics Control and Law Enforcement", \$5,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entity as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of

Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the President certifies that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

#### COMMUNITY-BASED POLICE ASSISTANCE

SEC. 681. (a) **AUTHORITY.**—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica and El Salvador through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) **NOTIFICATION.**—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 682. (a) **LIMITATION ON USE OF FUNDS BY OPIC.**—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, re-insure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) **LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.**—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) **REQUIREMENTS.**—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds.

#### AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 683. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be declassified and made public as soon as possible.

(b) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

#### CONFLICT RESOLUTION

SEC. 684. Of the funds appropriated under the headings "Economic Support Fund" and "Assistance for Eastern Europe and the Baltic States", \$15,000,000 shall be made available to support conflict resolution programs

and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

#### NICARAGUA

SEC. 685. Of the funds appropriated under the headings "Economic Support Fund", "Development Assistance", and "Child Survival and Health Programs Fund", not less than \$35,000,000 shall be made available for assistance for Nicaragua, of which not less than \$5,000,000 shall be made available from funds appropriated under the heading "Economic Support Fund": *Provided*, That with respect to funds made available pursuant to this section, priority shall be given to programs to provide alternative means of income for subsistence farmers and to promote judicial reform.

#### REPORT ON INTERNATIONAL COFFEE CRISIS

SEC. 686. Not later than 120 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the Committees on Appropriations describing the progress the United States is making toward meeting the objectives set forth in paragraph (1) of S. Res. 368 (107th Congress) and paragraph (1) of H. Res. 604 (107th Congress), including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

#### VENEZUELA

SEC. 687. (a) None of the funds appropriated or otherwise made available pursuant by this Act may be made available for assistance for the central Government of Venezuela if the Secretary of State certifies to the Committees on Appropriations that the central Government of Venezuela is assisting, harboring, or providing sanctuary for Colombian terrorist organizations.

(b) The provision of subsection (a) shall not apply to democracy and rule of law assistance for Venezuela.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$5,000,000 shall be made available for democracy and rule of assistance for Venezuela.

#### DISABILITY ACCESS

SEC. 688. The Administrator of the United States Agency for International Development ("USAID") shall seek to ensure that programs, projects, and activities administered by USAID in Iraq and Afghanistan comply fully with USAID's "Policy Paper: Disability" issued on September 12, 1997: *Provided*, That the Administrator shall submit a report to the Committees on Appropriations not later than December 31, 2004, describing the manner in which the needs of people with disabilities were met in the development and implementation of USAID programs, projects, and activities in Iraq and Afghanistan in fiscal year 2004: *Provided further*, That the Administrator, not later than 180 days after enactment of this Act and in consultation, as appropriate, with other appropriate departments and agencies, the Architectural and Transportation Barriers Compliance Board, and nongovernmental organizations with expertise in the needs of people with disabilities, shall develop and implement appropriate standards for access for people with disabilities for construction projects funded by USAID.

#### THAILAND

SEC. 689. Funds appropriated by this Act that are available for the central Government of Thailand may be made available if the Secretary of State determines and re-

ports to the Committees on Appropriations that the central Government of Thailand (1) supports the advancement of democracy in Burma and is taking action to sanction the military junta in Rangoon; (2) is not hampering the delivery of humanitarian assistance to people in Thailand who have fled Burma; and (3) is not forcibly repatriating Burmese to Burma.

#### MODIFICATION ON REPORTING REQUIREMENTS

SEC. 690. Section 3204(f) of the Emergency Supplemental Act, 2000 (Public Law 106-246) is amended—

(1) in the heading, by striking "BI-MONTHLY" and inserting "QUARTERLY";

(2) by striking "60" and inserting "90"; and

(3) by striking "Congress" and inserting "the appropriate congressional committees".

#### ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 691. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004".

**SA 1966.** Mr. DEWINE (for himself, Mr. DURBIN, Mr. COLEMAN, Mr. WARNER, Mr. DASCHLE, Mr. LEAHY, Mr. GRAHAM of South Carolina, and Mr. AL-EXANDER) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert where appropriate:

#### GLOBAL AIDS ASSISTANCE

SEC. . For an additional amount for "Global AIDS Initiative", \$289,000,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

**SA 1967.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term "HIV/AIDS prevention" means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the



public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2003 third quarter mass mailings is Monday, October 27, 2003. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailings registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

#### AUTHORITY TO FILE BILLS AND REPORTS

Mr. FRIST. Madam President, I ask unanimous consent that notwithstanding the Senate's adjournment, the Committee on Finance be allowed to file bills and reports until the hour of 4 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—S.J. RES. 21

Mr. FRIST. Madam President, I understand that S.J. Res. 21, introduced by Senator KYL earlier today, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution for the first time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 21) expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

Mr. FRIST. Madam President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

#### NATIONAL NATIVE AMERICAN VETERANS DAY

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 239, designating National Native American Veterans Day.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 239) designating November 7, 2003, as "National Native American Veterans Day" to honor the service of Native Americans in the United States Armed Forces and the contribution of Native

Americans to the defense of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 239

Whereas Native Americans have served with honor and distinction in the United States Armed Forces and defended the United States of America for more than 200 years;

Whereas Native Americans have served in wars involving the United States from Valley Forge to the 2003 hostilities in Afghanistan and Iraq;

Whereas Native Americans have served in the Armed Forces with the highest record of military service of any group in the United States;

Whereas the courage, determination, and fighting spirit of Native Americans have strengthened and continue to strengthen the United States, including the United States Armed Forces;

Whereas Native Americans have made the ultimate sacrifice in defense of the United States, even in times when Native Americans were not citizens of the United States;

Whereas the establishment of a National Native American Veterans Day will honor the continuing service and sacrifice of Native Americans in the United States Armed Forces; and

Whereas November 7th, a date that falls within the traditional observance of Native American Indian Heritage Month, would be an appropriate day to establish a National Native American Veterans Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States;

(2) designates November 7, 2003, as "National Native American Veterans Day";

(3) encourages all people in the United States to learn about the history of the service of Native Americans in the Armed Forces; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities to demonstrate support for Native American veterans.

#### NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 240, designating National American Indian Heritage Month.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 240) designating November 2003 as "National American Indian Heritage Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 240

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the Earth;

Whereas American Indians and Alaska Natives have served with valor in all of the wars of the United States, beginning with the Revolutionary War and continuing through the conflict in Iraq, and the percentage of Native Americans serving in the United States armed services has significantly exceeded the percentage of Native people in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the world in many fields, including agriculture, medicine, music, language, and the arts;

Whereas American Indians and Alaska Natives should be recognized for their contributions to the United States, including as local and national leaders, artists, athletes, and scholars;

Whereas such recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a month during which many Americans commemorate a special time in the history of the United States, when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2003 as "National American Indian Heritage Month"; and

(2) requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

#### ORDER FOR REFERRAL TO THE HELP COMMITTEE—S. 1781

Mr. FRIST. Madam President, I ask unanimous consent that Calendar No. 325, S. 1781, be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 414, 415, 416, 422, 423, 426, 427, 428, and nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## THE JUDICIARY

Brian F. Holeman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Craig S. Iscoe, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

## FEDERAL LABOR RELATIONS AUTHORITY

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007.

## COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under Title 10, U.S.C., section 12203:

*To be rear admiral*

Capt. John C. Acton, 3694

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

*To be rear admiral (lower half)*

Capt. Arthur E. Brooks, 5540

Capt. Richard R. Kelly, 4209

Capt. David P. Pekoske, 6564

Capt. Fred M. Rosa, 1832

Capt. Timothy S. Sullivan, 4325

## SECURITIES AND EXCHANGE COMMISSION

Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008.

## FEDERAL RESERVE SYSTEM

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2004.

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## COAST GUARD

PN926 Coast Guard nominations (3) beginning CHRISTINA M. SCHULTZ, and ending KURT M. VAN HAUTER, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN928 Coast Guard nominations (5) beginning MICHAEL A. ALFULTIS, and ending KURT A. SEBASTIAN, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN927 Coast Guard nominations (83) beginning DANIEL B. ABEL, and ending PAUL E.

WIEDENHOEFT, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2003.

PN1045 Coast Guard nominations (155) beginning DELANO G. ADAMS, and ending RUSSELL H. ZULLICK, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2003.

## EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate proceed to the consideration of the following additional nominations on the Executive Calendar: Nos. 412 and 413. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## THE JUDICIARY

Joseph Michael Francis Ryan III, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jerry Stewart Byrd, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## AMENDMENT NO. 1938, AS MODIFIED

Mr. FRIST. Madam President, I ask unanimous consent that the previously agreed to Feinstein amendment No. 1938 to H.R. 2989 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To modify section 130 to extend the prohibition under that section to the use of funds to provide maximum hours of service for certain drivers engaged for motion picture or television production)

On page 33, between lines 10 and 11, insert the following:

SEC. 131. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA-97-2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

## ORDERS FOR MONDAY, OCTOBER 27, 2003

Mr. FRIST. Madam President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 12 noon, Monday, October 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2800, the Foreign Operations appropriations bill, until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that at 2 p.m. on Monday, the Senate resume consideration of Executive Calendar No. 405, Michael Leavitt, to be Administrator of the Environmental Protection Agency. I further ask unanimous consent that the time until the scheduled cloture vote at 5:30 be divided with the chairman of the committee or his designee to control 1 hour and 15 minutes and the ranking member or designee in control of 2 hours and 15 minutes. I further ask unanimous consent that the final 20 minutes before the vote be equally divided with the last 10 minutes under the chairman's control.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. Madam President, we will resume business on Monday afternoon. The two managers of the Foreign Operations appropriations bill will be here and available so that Members may come to the floor and offer amendments. As always, I encourage Senators to notify their respective cloakrooms if they intend to offer an amendment to this bill. At this time there are only a few amendments that have come forward that are known. Therefore, I hope the Senate will complete the bill by early next week. I do remind my colleagues the first vote of Monday's session will be at 5:30. Under the order, that vote will be on invoking cloture on the Leavitt nomination. I fully expect that cloture will be overwhelmingly invoked, and the Senate will then be able to have an up-or-down vote on the confirmation of this qualified candidate to the President's cabinet. We have provided time on Monday for Senators to speak prior to the vote. However, again, I hope once that vote is taken, we will be able to move quickly to a vote on the confirmation of Michael Leavitt.

I want to also mention once again the very important issues that still need to be addressed prior to the adjournment of this session. There are a number of issues, including Healthy Forests, the Internet tax moratorium, the CARE Act, going to conference, gun liability—that is, the Protection of Lawful Commerce in Arms Act—fair credit reporting, on which we reached

consent to proceed yesterday. Hopefully this can be done quickly with no further delay. Obviously, we continue next week toward completing the appropriations process. I was encouraged with yesterday's pace on the Transportation-Treasury bill. With the cooperation of all Members, we were able to complete that bill over the course of the day. I hope we will be able to continue that trend and move expeditiously next week on the remaining bills.

This week we also finally finished with congressional action on the partial-birth abortion ban. That bill will be presented to the President for his signature to become the law of the land. The Senate expedited passage this week of the anti-spam act. The 97 to zero passage on that vote shows the importance and the need for this legislation for which the American people have called.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, we have offered to go to the Healthy Forests legislation with no limitation on amendments. I hope we can work that out. We also have indicated we could send the CARE Act over to the House without going to conference and allow them to take it up immediately. I hope we can do that next week as well. Next week certainly can be a productive week.

I ask the majority leader if it is his intention to dual-track the schedule for the coming days to accommodate debate and hopefully resolution on appropriations bills for a certain period during the day and then the possibility that we could take up and debate some of the bills we have discussed as priority items later on in the day, to accommodate both authorizing and appropriations bills prior to the end of the session.

I yield for that purpose.

Mr. FRIST. Madam President, through the Chair, as we have discussed informally, it is our intention to address all of these issues and to do so and at the same time handle the tremendous challenge of addressing these appropriations bills will require us to, so called, dual track which in essence means take the necessary time on the appropriations bills each day, using that as the focus, but at the same time recognizing there is other very important business we will be doing over the course of that day. Generally we will try to do it in the evenings, but we can adjust that according to the schedules of the various managers.

Madam President, it will take patience on both sides of the aisle, in part because of the amount of time it will require all of us to be on the Senate floor, but also from an organizational standpoint.

The intention will be to try to keep things as organized as possible and focused on the appropriations bills. If it looks like any time can be spent more profitably on a dual track, we will do that.

Generally, I would like to do appropriations bills through the morning and very late in the afternoon, and at that juncture be able to dual-track with these other issues.

Mr. DASCHLE. Madam President, I appreciate very much the majority leader's reply. The bills he has mentioned and the appropriations bills left to be done are all bills that ought to accommodate a great deal of bipartisan effort. There is nothing on the list that he has proposed, if I can recall the list, that would generate divisive debate. There are going to be amendments.

I was just talking to my Governor, and he again expressed concern about the current form of the Internet tax bill as it relates to States and lost revenue they could experience because the bill has been changed. But on that bill and Healthy Forests, the fair credit reporting bill, and a number of other bills, I think there is ample bipartisan interest that could accommodate a very aggressive schedule, and I look forward to working with the majority leader to see how much we can accomplish next week.

I yield the floor.

Mr. FRIST. Madam President, one thing I did not mention over the course of the week is the vote on the Class Action Fairness Act. Although I was very disappointed in the outcome; that is, we were not able to proceed with that—I think it did focus the attention of both sides of the aisle. It was a bipartisan vote, but it wasn't bipartisan enough to be able to proceed to it this week. But I will add that on both sides of the aisle people have come forward and said we are very serious about doing this in a way that is appropriate.

I think there may well be an opportunity, at the appropriate time, to address that issue. The Democratic leader and I are both personally involved with asbestos. He has mentioned it and I have mentioned it. That should send a strong signal to people that we are seriously committed, in a bipartisan way, to addressing an issue that is affecting families, the economy, and jobs; and I do hope that those discussions will continue to be productive as we go forward.

Having said that, next week is going to be a very busy week. I look forward to it being a very productive week.

#### ADJOURNMENT UNTIL MONDAY, OCTOBER 27, 2003

Mr. FRIST. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:14 p.m., adjourned until Monday, October 27, 2003, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate October 24, 2003:

#### REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED.

#### BROADCASTING BOARD OF GOVERNORS

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006. (REAPPOINTMENT)

FAYZA VERONIQUE BOULAD RODMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006, VICE ROBERT M. LEDBETTER, JR., TERM EXPIRED.

STEVEN J. SIMMONS, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006. (REAPPOINTMENT)

#### CONFIRMATIONS

Executive nominations confirmed by the Senate October 24, 2003:

#### FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2007.

#### SECURITIES AND EXCHANGE COMMISSION

PAUL S. ATKINS, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2008.

#### FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004.

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### THE JUDICIARY

JOSEPH MICHAEL FRANCIS RYAN III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

JERRY STEWART BYRD OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

BRIAN F. HOLEMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

CRAIG S. ISCOE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

#### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

#### To be rear admiral

CAPT. JOHN C. ACTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

#### To be rear admiral (lower half)

CAPT. ARTHUR E. BROOKS

CAPT. RICHARD R. KELLY

CAPT. DAVID P. PEKOSKE

CAPT. FRED M. ROSA

CAPT. TIMOTHY S. SULLIVAN

COAST GUARD NOMINATIONS BEGINNING CHRISTINA M. SCHULTZ AND ENDING KURT M. VAN HAUTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING DANIEL B. ABEL AND ENDING PAUL E. WIEDENHOEF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING MICHAEL A. ALFULTIS AND ENDING KURT A. SEBASTIAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2003.

COAST GUARD NOMINATIONS BEGINNING DELANO G. ADAMS AND ENDING RUSSELL H. ZULLICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2003.

## EXTENSIONS OF REMARKS

### INTERPARLIAMENTARY CONFERENCE ON HUMAN RIGHTS AND RELIGIOUS FREEDOM

**HON. THOMAS G. TANCREDO**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. TANCREDO. Mr. Speaker, the first meeting of the Interparliamentary Conference on Human Rights and Religious Freedom was held in Brussels, Belgium from September 16 through September 18, 2003, under the auspices of the Washington-headquartered Institute on Religion and Public Policy.

The Interparliamentary Conference on Human Rights and Religious Freedom is composed of members of national and supranational parliaments from around the globe, allowing members of parliaments to meet and address the issues of human rights and freedom of religion and belief with common understanding and background as parliamentarians. I ask that the Conference's concluding document, as follows, be entered into the RECORD.

#### DECLARATION OF THE INTERPARLIAMENTARY CONFERENCE ON HUMAN RIGHTS AND RELIGIOUS FREEDOM

Whereas, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

Whereas, disregard and contempt for fundamental human rights have resulted in acts which have shocked the conscience of humankind, the advent of a world in which human beings shall enjoy freedom of speech and belief has been proclaimed as the highest aspiration of humankind;

Whereas, it is imperative to promote the development of friendly relations between nations;

Whereas, Member States of the United Nations have pledged themselves to achieve the promotion of universal respect for and observance of fundamental rights;

Whereas, a common understanding of these rights and freedoms is of great importance for the full realization of this pledge;

Whereas, this Declaration of the Interparliamentary Conference on Human Rights and Religious Freedom appeals to a common standard of achievement for all peoples and all nations, to the end that every individual and every society—keeping this proclamation constantly in mind—shall strive by dialogue and education to promote respect for these rights and freedoms and by national and international measures to secure their recognition and observance;

Therefore, we hold that,

Respect for human life is fundamental;

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood;

All are equal before the law and are entitled without discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of their rights;

Everyone has the right to freedom of thought, conscience, and religion; this right

includes freedom to have or adopt a religion or belief. Everyone has the freedom alone or in community with others and without any outside interference to express his/her religion or belief in teaching, practice, worship and observance, within the limitations prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights or freedoms of others.

Nobody shall be persecuted or denied his/her rights because of his/her religious beliefs. No discrimination or privileges based on affiliation or rejection of affiliation to a religion are acceptable.

The Interparliamentary Conference on Human Rights and Religious Freedom will convene annually to further the recognition and observance of the principles contained in this Declaration.

### THE CONSERVATIVE MIND

**HON. MARK E. SOUDER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. SOUDER. Mr. Speaker, The Conservative Mind is an historic book that has profoundly affected many of us in this chamber. Indeed, some of us may be in this very chamber because of its great influence. Published in 1953, the masterpiece was penned by the late Dr. Russell Amos Kirk, the foremost philosopher of the modern conservative movement. His writings—not to mention his Piety Hill seminars—served as part of the philosophical foundation for such important moments in American political history as the 1964 Goldwater presidential campaign, the Reagan Revolution of 1980, and, most recently, the Republican Revolution of 1994.

How does one begin to sum up conservatism? One can start, as Dr. Kirk did in *The Conservative Mind*, by stating what it is not. He wrote that the conservative abhors all forms of ideology. Promising a “terrestrial paradise,” an ideology is anathema to the conservative, who knows it to be the tool and weapon of the coffeehouse fanatics—a substitute for religion—that will ensure an “earthly hell.” No manual for partisan action, then, *The Conservative Mind* does not—cannot—point the way to Zion.

Instead, the man of letters wisely explained, we must turn to custom, convention, constitution and prescription. And we must apply variously and with prudence the general principles he delineated.

The brilliance of *The Conservative Mind* is its cogent synthesis of the works of historical icons—ranging from Edmund Burke to T.S. Eliot—into six canons of conservative thought. The resolution that I have introduced acknowledges these canons and honors the golden jubilee of Dr. Kirk's magnum opus.

It also recognizes the tireless work of the Russell Kirk Center for Cultural Renewal, presided over by Dr. Kirk's widow, Annette, and the Intercollegiate Studies Institute, which is republishing many of his master works.

It is time that the House of Representatives affords this man, this book and these institutions with such recognition. I hope that the members of this body will join me in celebrating the 50th anniversary of the publication of *The Conservative Mind* and those custodians of this wonderful patrimony.

**ALIJA IZETBEGOVIC**

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. HOYER. Mr. Speaker, I learned this week of the passing of Alija Izetbegovic, formerly the President of Bosnia-Herzegovina. As a former Chairman of the Helsinki Commission, I knew President Izetbegovic and followed the situation in Bosnia-Herzegovina closely and with great concern.

Under Izetbegovic's early leadership in 1990 and 1991, Bosnia-Herzegovina sought to cope with the disintegration of the former Yugoslav federation of which it was a part, a particularly difficult task given the republic's very multi-ethnic population which had benefited greatly under that federation. Eventually, Izetbegovic led Bosnia-Herzegovina to respond by asserting independent statehood in early 1992, an act used immediately as a pretext by the regime of Slobodan Milosevic in neighboring Serbia to wage a war of aggression and genocide. Seeing the international community take little action to stop well-armed Serb militants from seizing more than two-thirds of the country, the regime of Franjo Tudjman in Croatia, another neighbor, later joined the fray. In the next three years, the ethnic cleansing associated with this conflict would cause the forced displacement of millions, the death of hundreds of thousands and the rape or torture of tens of thousands of innocent people.

By 1995, the international community was essentially shamed into taking more decisive action by atrocities like that which occurred in Srebrenica and fresh attacks on civilians in Sarajevo. The international community also recognized that not doing so had definite implications for the future of post-Cold War Europe. The result was NATO intervention and the negotiation of the Dayton Agreement, which preserved Bosnia territorial integrity on the one hand but hampered its recovery and development by legitimizing internal division on the other. Alija Izetbegovic, ethnically a “Bosniak” or Muslim Slav, retained power, but shared the presidency in a new arrangement with Bosnian Serb and Croat counterparts.

Given these circumstances, it is difficult to assess Izetbegovic's legacy. As a dissenter in Tito's Yugoslavia and as a politician during the emergence of multi-party politics, Izetbegovic expressed devoutness to the Islamic faith and pride in Bosnia's Muslim heritage. The conflict, however, denied Izetbegovic the chance to prove his claimed desire to respect the religious beliefs of others, to embrace Bosnia's

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cultural diversity and to become part of Europe. While Sarajevo was under siege, he correctly asserted that international principles of tolerance and respect were as threatened as that city's population. As the feckless United Nations and Europe failed to stop the conflict quickly, Izetbegovic's Bosnia became increasingly vulnerable to militant Islamic infiltration as well as corruption, both of which plague the country to this day.

From his hospital bed in late September, however, Alija Izetbegovic was quoted as saying to the media that Bosnia will survive as a state if "Serbs stay Serbs, Croats stay Croats, and [Muslims] stay [Muslims], but they also should all be Bosnians . . . Nobody should seek revenge but rather justice, because revenge starts a chain of evil that has no end," adding that people "should not forget the past but not live in it. They should turn toward the future."

As I note the passing of Alija Izetbegovic, Mr. Speaker, and we express our condolences to his family, friends and supporters, we should also recall with equal sadness the troubled times he and the people of Bosnia-Herzegovina faced a decade ago.

U.S. ARMY CORPS OF ENGINEERS  
AND THE LEWIS AND CLARK BI-  
CENTENNIAL

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. SKELTON. Mr. Speaker, The Bicentennial of the Lewis and Clark Expedition is being commemorated between 2003 and 2006. As we celebrate the Bicentennial, the famous expedition evokes pride and awe in countless Americans who reflect on its achievements. While most Americans have some knowledge of the expedition, relatively few recognize that it was an Army endeavor. It was not an accident that President Jefferson turned to the Army for the mission. President Jefferson chose the Army for his Corps of Discovery because it was the "right tool" for the arduous job. Frontier soldiers possessed the toughness, teamwork, discipline and training appropriate to the challenge of exploring the newly acquired lands. Most importantly, Meriwether Lewis and William Clark were outstanding officers and leaders who had previously served the Army with distinction.

Today, the route followed by the Lewis and Clark Expedition lies within eight Corps districts. By virtue of its stewardship role for the Nation's rivers and its Army heritage of exploring and mapping the western United States, the U.S. Army Corps of Engineers will play a key leadership role in the observance of the Bicentennial. Of the more than 5,000 miles of trail from Pittsburgh to the Pacific Ocean, the Corps directly or indirectly manages nearly 4,700 river miles. Corps management activities include navigation channel maintenance, levee maintenance, environmental permitting responsibilities, and operation of the reservoirs and locks/dams. Because the Corps manages more of the trail than any other governmental entity, and it is the largest Federal provider of outdoor recreation opportunities in the country, the Corps will play an important role during the Bicentennial Commemoration.

The Commemoration officially began in January 2003 at Monticello and will retrace the original expedition across the United States and back. There are 17 Signature events planned and organized under the guidance of the Lewis and Clark bicentennial Council. The Corps of Engineers will support these Signature events by participating in the Federal interagency project called Corps of Discovery II—200 Years to the Future, which is a traveling exhibition and classroom, providing educational programs for school children, and manning displays and exhibits.

The overall goal of the Corps' participation in the Lewis and Clark Bicentennial Commemoration is to accommodate the anticipated increased visitation, ensure a safe visitor experience, and provide information on the Expedition, the Army, and the Corps—all with minimal impact on the environment. To reach this goal, the Corps is working to upgrade sanitary facilities, visitor centers and campgrounds. The Chief of Engineers has emphasized that park facilities should be in good condition to support the additional visitation and visitor expectations, particularly those facilities that are on the Lewis and Clark trail or within 50 miles of a signature event. To reach the "safe visitor experience" objective, the Corps will provide water safety information specific to reservoirs and rivers along the Lewis and Clark route, including locking and portage procedures, the identification of hazardous areas, fueling areas, and the location of boat ramps. The Corps is also cooperating with other Federal, State and local enforcement, safety and emergency agencies to provide the essential public safety services along the route. The Corps will provide information to the public during the Bicentennial to educate about the expedition and the contribution of the Army to the success of the expedition. The legacy of the expedition is also an important story, including the role the Corps of Engineers played in exploration and development of the waterways that opened the west to river travel and the continuing role of the Corps in developing, managing, and protecting the Nation's water resources.

The Corps is also a partner and sponsor of the Ft. Leavenworth re-enactors who will attend many of the Signature events and portray the Lewis and Clark expedition as an Army reconnaissance mission. The Corps is the sponsor of numerous educational products including a discovery box educational kit which is used by Corps park rangers to educate school children about the Lewis and Clark Expedition as a military expedition. Other educational products that we have partnered in include an interagency brochure, car audio tours, a training academy for educators, exhibits and a film that will be marketed to public television. Lewis and Clark began the legacy of Army exploration of the American West which led to the Corps long tradition of service to our customers—the American public.

PERSONAL EXPLANATION

**HON. JEFF FLAKE**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. FLAKE. Mr. Speaker, today I voted "no" on final passage of H.R. 3161. While acknowl-

edging my opposition to this bill is unpopular—even in my own household—I believe I voted correctly.

Telemarketing calls bother me as much as the next person and I understand the desire to prohibit them. But I do not believe that asking the government to take care of this problem is the answer. New products are now on the market (Caller ID, voice mail systems, answering machines, Privacy Director, Call Reject, etc.) that inhibit the activity of telemarketers, and states are passing their own laws to address this issue. In fact, Arizona began enforcing the state's own telemarketing restrictions on October 1, 2003.

Most people know that H.R. 3161 provided authority to the Federal Trade Commission (FTC) to implement and enforce a national do-not-call registry. What many do not know, however, is that the bill allows government bureaucrats to pick and choose which calls consumers can block. It is not surprising that consumers cannot sign up to not be bothered by politicians. I would be willing to bet that consumers will find those calls to be just as annoying as any others. When government sets the rules, it must not discriminate based on the content of the calls. That's what the First Amendment means.

I consistently vote against additional federal regulations. Granting the FTC additional authority to further regulate on this matter, however popular, would be inconsistent with my record.

CONGRATULATING REVEREND  
THOMAS J. O'HARA ON BEING  
HONORED BY THE ETHICS INSTITUTE

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize Father Thomas J. O'Hara as he is honored by the Ethics Institute of Northeastern Pennsylvania at College Misericordia this Thursday, October 23, 2003, at the Woodlands in Wilkes-Barre.

Father Tom has been a part of the King's College campus since 1988 and has served as the Professor of Political Science and Vice President of Academic Affairs. About four years ago, Father Tom was chosen to lead King's College as its President.

Father Tom is a native of Northeastern Pennsylvania and is involved in many community activities in addition to his demanding schedule as President of the college. He serves on the boards of the Greater Wilkes-Barre Chamber of Commerce, the Osterhout Free Library, St. Vincent de Paul Kitchen, the Earth Conservancy, Leadership Wilkes-Barre, City Vest, and the Council of Presidents.

He will be honored for his commitment to both civility and ethical leadership. Father Thomas O'Hara is a community icon in Wilkes-Barre who leads by example. I am pleased that he is receiving well-deserved recognition for his ethical and effective leadership.

Mr. Speaker, it is a privilege and honor to represent a man who has played an important leadership role in educating and shaping our future generation in Northeastern Pennsylvania and throughout the nation. His style of

leadership and integrity makes him a worthy role model for the students and educators who he comes in contact with as President of King's College. I ask that my colleagues pay tribute to Father Tom as he receives this well deserved honor.

#### PERSONAL EXPLANATION

#### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on October 20, 2003. I would like the record to show that had I been present in this chamber, I would have voted "yea" on rollcall votes 563, 564 and 565.

#### OPERATION IRAQI FREEDOM

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. GRAVES. Mr. Speaker, I rise in support of President Bush, Operation Iraqi Freedom, and our country's efforts to bring peace and stability to Iraq. I also rise in support of the Pence amendment. This amendment would ensure that we will recoup some of our investment as we work to stabilize Iraq's future.

We supplied our troops with the tools they needed to free Iraq from the Hussein regime. Now we must supply our troops with the tools they need to complete the Iraqi reconstruction and return home. Iraq is in the middle of an international terrorism hotbed. If we fail to support our troops and their efforts, Iraq may regress, and the sacrifice would be for naught. I cannot, and will not, let this happen. Our troops have fought too hard to liberate Iraq.

Just as our troops make sacrifices for a successful Iraqi government and secure Iraqi economy so must we, the American taxpayers, make a financial sacrifice to invest in the future of a free Iraq. A stable Iraq strengthens the safety of our own homeland, and this security is worth the price. This investment is an investment in the future of democracy.

#### HONORING THE 175TH ANNIVERSARY OF GALLATIN'S FIRST PRESBYTERIAN CHURCH

#### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mr. GORDON. Mr. Speaker, today I rise to recognize the 175th year of existence of the First Presbyterian Church in Gallatin, Tennessee. The congregation will celebrate the church's 175th anniversary on Sunday, October 26, 2003.

The historical church was organized on October 25, 1828, after a revival led by the Rev. John W. Hall. Constructed in 1836–37, the building is registered by the Historical Society of Philadelphia as an American Presbyterian

and Reformed Historical Site. The church's sanctuary was even used as a hospital by federal troops during the Civil War.

The Middle Tennessee church has served its community and congregation well for nearly two centuries, a time during which our nation struggled through much change and innovation. Through all of it, though, the First Presbyterian Church never faltered in its commitment to bring the Lord's word to the people.

Gallatin is a much stronger community because of the work of the church and its congregation. Members of the church actively participate in all facets of community life in Gallatin and elsewhere, including helping the less fortunate in Matamoros, Mexico. I congratulate the congregation's dedicated service to humanity and wish the church continued success during its next 175 years of existence.

#### SYRIA ACCOUNTABILITY AND LEBANESE SOVEREIGNTY RESTORATION ACT OF 2003

SPEECH OF

#### HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 15, 2003*

Mr. FLAKE. Mr. Speaker, I join my colleagues in condemning Syria for its support for international terrorism. I do not support the Syria Accountability Act, however, because I believe it limits the President's options in dealing with Syria at a time when he should have flexibility. Furthermore, I do not believe that unilateral economic sanctions are effective—especially against regimes who are only concerned with remaining in power. Such regimes will still have food on their plates and roofs over their heads while the ordinary people of their countries are left to suffer even more.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 6 ENERGY POLICY ACT OF 2003

SPEECH OF

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 21, 2003*

Mrs. LOWEY. Mr. Speaker, I rise in support of the motion offered by my colleague and good friend from Massachusetts, ED MARKEY. The motion instructs the conferees to the Energy bill to adopt the unclear security provisions included in the House bill and subsequently dropped in the conference report.

Since September 11, 2001, intelligence officials have amassed a critical body of evidence suggesting terrorist intentions to strike our nuclear infrastructure. Plans of U.S. nuclear facilities discovered in al Qaeda caves during U.S. military operations in Afghanistan provided perhaps the earliest indication that terrorists had not casually contemplated but rather carefully studied the option of sabotaging a nuclear reactor. In early March, 2003 fresh intelligence confirmed our worst fears: terrorists continued to plot attacks against nuclear and other critical infrastructure. Subsequent reports of a terrorist plan to sabotage the Palo Verde nuclear power plants in Arizona were suffi-

ciently serious that the National Guard was immediately deployed to secure the plant.

In light of these facts, the conferees' decision to weaken nuclear security language included in the House report is incomprehensible. I'd like to focus on the two changes that concern me the most:

(1) Federal Oversight of Emergency Preparedness at Nuclear Power Plants—the House bill required the NRC to consult with the Department of Homeland Security before issuing or renewing a license to operate a new or existing power plant to ensure adequate steps could be taken to protect the public in the event of a terrorist strike. Unfortunately, the conferees appear ready to eliminate this most basic protective standard. Failure to adopt the House language would permit the NRC to continue its present neglect of the post-September 11th reality. Indeed, the NRC, the agency responsible for assuring the safety and security of the country's 103 commercial reactors, has flatly denied petitions by citizen groups for reinforcement of the spent fuel pools at Millstone Nuclear Power Station in Connecticut, stating "the possibility of a terrorist attack is speculative . . . and simply too far removed from the natural or expected consequences of agency action."

NRC's oversight of emergency preparedness at the Indian Point Energy Center, a nuclear facility located just north of my district in Buchanan, New York, was wholly inadequate, and demonstrates the need for greater consultation with DHS. NRC, defying the opinions of numerous experts, insisted that emergency planning for an accidental and terrorist-related radiation release were identical. A terrorist attack, which could create paranoia, provoke residents to self-evacuate, and damage evacuation roads and reception centers, would surely pose unique planning challenges. The Commission also contended that a radiological release from a terrorist attack would be no larger and spread no faster than that from an accident. Indeed, it incorrectly assumed that any radiological plume would develop over 8 hours, even though a terrorist attack could result in a radiological release in as little as 40 minutes. Entergy, which owns Indian Point, has optimistically estimated that evacuation of the 10-mile radius around the plants would take 11 hours, making public exposure to radiation likely. Westchester County has publicly stated that mobilizing emergency response teams and notifying the public within the new time requirements would be nearly impossible. Despite these facts, NRC refused to perform an independent review of Indian Point's emergency response plans, instead certifying them within one hour of FEMA's approval. I fear that in the absence of a legal requirement to consult with DHS, NRC neglect of terrorist threats will persist.

(2) Upgrade of the Design Basis Threat.

The House bill mandated that the NRC issue regulations, "including changes to the design basis threat, to ensure that licensees address the threats" of a terrorist attack within one year of enactment of the bill. The conference report would authorize but not mandate that NRC upgrade nuclear security regulations to reflect the findings of a comprehensive study on air, land, and water-based threats to nuclear reactors. Some 25 months after September 11th, NRC still rejects the possibility of a coordinated strike on a nuclear power plant involving several large teams of

terrorists using sophisticated tactics and weaponry. NRC requires that nuclear security personnel be prepared to defend against the design basis threat, or DBT, an assumption about the size and tactics of an attacking force. While the precise details of the DBT are classified, nuclear experts suspect that the NRC continues to assume a far smaller and less sophisticated force than the one that struck on September 11th.

While the NRC has required power plants to make cosmetic security improvements, such as installation of barb wire fencing, larger threats have been neglected. For example, a recent NRC study found spent fuel spools adjacent to commercial reactors were highly vulnerable to a passenger aircraft crash, which would result in a substantial release of radioactive material. Nevertheless, nuclear licensees have not required additional hardening of spent fuel pools or the containment domes enveloping reactors.

Nuclear security personnel have consistently complained that they lack the weaponry and tactical and physical training to thwart a terrorist strike. In the absence of a statutory requirement to upgrade security, I question whether NRC will act on the recommendations of the vulnerability assessment mandated in this energy bill. Frustrated by sub-standard hiring and training standards for guards, I joined Congressman MARKEY in introducing legislation that would federalize the guard force at commercial nuclear facilities. In my judgment, energy companies chiefly concerned with their bottom lines cannot be trusted to secure the nation's nuclear infrastructure. Under the Nuclear Security Act, personnel would have to meet strict qualification standards, background checks, training requirements, and proficiency reviews.

I once again want to thank my friend from Massachusetts for his leadership on this issue. I urge my colleagues to support the motion.

#### PERSONAL EXPLANATION

#### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 24, 2003*

Mrs. JONES of Ohio. Mr. Speaker, during rollcall vote No. 532 on the Motion to suspend the rules and agree on H. Con. Res. 274, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 533 on the Bishop Motion to instruct conferees on H.R. 1, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 534 on the Flake Motion to instruct conferees on H. R. 1, I was unavailable for the vote. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote No. 535 on the Passage of H.R. 3108, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 536 on the Motion to suspend the rules and pass, as amended, H.R. 2297, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 537 on the Motion to suspend the rules and pass, as amended, H.R. 2998, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 538 on the Motion to suspend the rules and agree on H. Res. 355, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 539 on the Motion to suspend the rules and agree on H. Res. 372, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 540 on the Capps Motion to instruct conferees on H.R. 6, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 541 on the Crowley Motion to instruct conferees on H.R. 1308, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 542 on the Schakowsky Motion to instruct conferees on H.R. 1, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 543 on the Motion to suspend the rules and pass, as amended, H.R. 1828, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 544 on Ordering the previous question regarding H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote No. 545 on Agreeing to the Resolution, as amended, H. Res. 198, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 546 on Agreeing to the Obey Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 547 on Agreeing to the Obey Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 548 on Agreeing to the Waxman Amendment to H.R.

3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 549 on Agreeing to the Kirk Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 550 on Agreeing to the Markey Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 551 on Agreeing to the Holt Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 552 on Agreeing to the Loretta Sanchez (CA) Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 553 on Agreeing to the Kind Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 554 on Agreeing to the Stupak Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 555 on Agreeing to the Reyes Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 556 on Agreeing to the Jackson-Lee Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 557 on Agreeing to the Sherman Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 558 on Agreeing to the Weiner Amendment to H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 559 on Ordering the previous question regarding H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote No. 560 on Agreeing to the Resolution H. Res. 401, I was unavailable for the vote. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote No. 561 on the Obey Motion to Recommit with Instructions H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "yes."

Mr. Speaker, during rollcall vote No. 562 on the Passage of H.R. 3289, I was unavailable for the vote. Had I been present, I would have voted "no."



# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S13187–S13231*

**Measures Introduced:** One bill and one resolution were introduced, as follows: S. 1785 and S.J. Res. 21. **Page S13209**

**Measures Passed:**

**National Native American Veterans Day:** Senate agreed to S. Res. 239, designating November 7, 2003, as “National Native American Veterans Day” to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States. **Page S13229**

**National American Indian Heritage Month:** Senate agreed to S. Res. 240, designating November 2003 as “National American Indian Heritage Month”. **Page S13229**

**Foreign Operation Appropriations Act:** Senate began consideration of H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S13189–92**

**Adopted:**

McConnell/Leahy Amendment No. 1965, in the nature of a substitute. (Amendment, as agreed to, will be considered original text for the purpose of further amendment.) **Page S13189**

**Pending:**

DeWine Amendment No. 1966, to increase assistance to combat HIV/AIDS. **Pages S13190–92**

A unanimous-consent agreement was reached providing for further consideration of the bill, at 12 noon, on Monday, October 27, 2003. **Page S13230**

**Bill Referral—Agreement:** A unanimous-consent agreement was reached providing that S. 1781, to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, be referred to the Committee on Health, Education, Labor, and Pensions. **Page S13229**

**Transportation/Treasury Appropriations Act—Amendment Modified:** A unanimous-consent agreement was reached providing that, notwithstanding the October 23, 2003 passage of H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, the following amendment, previously agreed to, was modified: **Page S13230**

Shelby (for Feinstein) Amendment No. 1938, to modify section 130 to extend the prohibition under that section to the use of funds to provide maximum hours of service for certain drivers engaged for motion picture or television production. **Page S13230**

**Nomination Agreement:** A unanimous-consent agreement was reached providing that at 2 p.m., on Monday, October 27, 2003, Senate resume consideration of the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency, with a vote on the motion to close further debate on the nomination to occur at 5:30 p.m. **Page S13230**

**Nominations Confirmed:** Senate confirmed the following nominations:

Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2007. (Reappointment)

Joseph Michael Francis Ryan III, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jerry Stewart Byrd, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Brian F. Holeman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Craig S. Iscoe, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008. (Reappointment)

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2004. (Reappointment)

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years. (Reappointment)

6 Coast Guard nominations in the rank of admiral.

Routine lists in the Coast Guard. **Page S13231**

**Nominations Received:** Senate received the following nominations:

Floyd Hall, of New Jersey, to be a Member of the Reform Board (Amtrak) for a term of five years.

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006. (Reappointment)

Fayza Veronique Boulad Rodman, of the District of Columbia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006.

Steven J. Simmons, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2006. (Reappointment)

**Page S13231**

**Measures Referred:** **Page S13209**

**Measures Placed on Calendar:** **Page S13209**

**Measures Read First Time:** **Page S13209**

**Additional Cosponsors:** **Pages S13209–10**

**Statements on Introduced Bills/Resolutions:** **Page S13210**

**Additional Statements:** **Pages S13208–09**

**Amendments Submitted:** **Page S13210**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 2:14 p.m., until 12 noon, on Monday, October 27, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S13231.)

## *Committee Meetings*

No committee meetings were held.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 1 public bill, H.R. 3373; and 1 resolution, H. Res. 413, were introduced.

**Page H9819**

**Additional Cosponsors:** **Page H9819**

**Reports Filed:** Reports were filed today as follows:

Filed on October 21: H.R. 2802, to reauthorize the Small Business Act and the Small Business Investment Act of 1958, amended, (H. Rept. 108–325, pt. 1); and H.R. 1856, to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes, amended (H. Rept. 108–326 pt. 1). **Pages H9818–19**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Tom Davis of Virginia to act as Speaker Pro Tempore for today. **Page H9815**

**National Commission for the Review of the Research and Development Programs of the Office of Interparliamentary Affairs of the House of Representatives:** The Chair announced the Speaker's appointment of Ms. Martha C. Morrison as Director of the Office of Interparliamentary Affairs of the United States House of Representatives. **Page H9815**

**United States Intelligence Community:** The Chair announced the Speaker's appointment of Representative Peter Hoekstra of Michigan, Mr. K. Stuart Shea of Chantilly, Virginia, and Mr. Gardner G. Peckham of Chevy Chase, Maryland to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community. **Page H9816**

**Senate Message:** Message from the Senate appears today on page S9815.

**Senate Referral:** S. Con. Res 21 was referred to the Committee on Education and the Workforce and S. 877 was ordered held at the desk. **Page H9816**

**Adjournment:** The House met at 10 a.m. and adjourned at 10:05 a.m.

## *Committee Meetings*

No committee meetings were held.

## CONGRESSIONAL PROGRAM AHEAD

Week of October 27 through November 1, 2003

## Senate Chamber

On *Monday*, at 12 noon, Senate will resume consideration of H.R. 2800, Foreign Operations Appropriations Act. At 2 p.m., Senate will resume consideration of the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency, with a vote on the motion to close further debate on the nomination to occur at 5:30 p.m.

During the balance of the week, Senate may consider any other cleared legislative and executive business, including appropriation bills, conference reports and certain nominations, when available.

## Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Banking, Housing, and Urban Affairs:* October 30, to hold hearings to examine the Treasury Department's report to Congress on international economic and exchange rate policy, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* October 28, to hold hearings to examine dietary supplements, 9:30 a.m., SR-253.

October 29, Full Committee, to hold hearings to examine the future of the National Aeronautics and Space Administration, 9:30 a.m., SR-253.

October 29, Subcommittee on Science, Technology, and Space, to hold hearings to examine the International Space Station, 2 p.m., SR-253.

October 30, Full Committee, to hold hearings to examine the universal service, 10 a.m., SR-253.

*Committee on Energy and Natural Resources:* October 30, Subcommittee on National Parks, to hold hearings to examine S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska, S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, and S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, 10 a.m., SD-366.

October 30, Subcommittee on Water and Power, to hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program, 2:30 p.m., SD-366.

*Committee on Foreign Relations:* October 28, to hold a closed briefing to examine security threats and U.S. policy in relation to Iran, 9 a.m., SH-219.

October 28, Full Committee, to hold hearings to examine security threats and U.S. policy in relation to Iran, 10:15 a.m., SH-216.

October 29, Full Committee, to hold hearings to examine the nominations of Margaret DeBardeleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy, Zalmay Khalilzad, of Maryland, to be Ambassador to Afghanistan, and Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, Cultural Organization, and to U.S. Representative to the 32nd and General Conference of UNESCO, 9:30 a.m., SD-419.

October 29, Full Committee, to hold hearings to examine challenges for U.S. policy toward Colombia, 2:30 p.m., SD-419.

October 30, Full Committee, to hold a closed briefing to examine U.S. policy directions relating to Syria, 9 a.m., SH-219.

October 30, Full Committee, to hold hearings to examine U.S. policy directions relating to Syria, 10:15 a.m., SH-216.

October 30, Subcommittee on European Affairs, to hold hearings to examine combating transnational crime and corruption in Europe, 2:30 p.m., SD-419.

October 30, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the current situation in North Korea, 2:30 p.m., SD-430.

October 30, Subcommittee on African Affairs, with the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, to hold joint hearings to examine a report relative to HIV/AIDS Codel to Africa, 3 p.m., S-211, Capitol.

*Committee on Health, Education, Labor, and Pensions:* October 29, business meeting to consider S. 423, to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities, S. 1172, to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, proposed Head Start Improvement and School Readiness Act, proposed Human Services Reauthorization Act, proposed Pension Stability Act, proposed Health Care Safety Net Amendments Technical Corrections Act, and the nominations of Robert Lerner, of Maryland, to be Commissioner of Education Statistics, Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission, and Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission, 10 a.m., SD-430.

October 29, Full Committee, to hold hearings to examine intellectual diversity on America's college campuses, 2 p.m., SD-430.

October 30, Subcommittee on Aging, to hold hearings to examine financial abuse and exploitation of the elderly, 10 a.m., SD-430.

October 30, Subcommittee on Children and Families, with the Committee on Foreign Relations, Subcommittee on African Affairs, to hold joint hearings to examine a report relative to HIV/AIDS Codel to Africa, 3 p.m., S-211, Capitol.

*Committee on Indian Affairs:* October 29, business meeting to consider pending calendar business; to be immediately followed by a hearing on S. 1770, to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation, 10 a.m., SD-106.

*Committee on the Judiciary:* October 28, to hold hearings to examine the nominations of Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Mark R. Filip, to be United States District Judge for the Northern District of Illinois, 10 a.m., SD-226.

October 29, Full Committee, to hold hearings to examine competitive and economic effects of the Bowl Championship series on and off the field, 10 a.m., SD-226.

October 29, Full Committee, to hold hearings to examine the nomination of James B. Comey, of New York, to be Deputy Attorney General, 2 p.m., SD-226.

October 30, Full Committee, to hold hearings to examine monopsony issues in agriculture, focusing on the buying power of processors in the nation's agricultural markets, 2 p.m., SD-226.

*Committee on Rules and Administration:* October 28, to hold hearings to examine the nominations of Paul S. DeGregorio, of Missouri, Gracia M. Hillman, of the District of Columbia, Raymundo Martinez III, of Texas, and Deforest B. Soaries, Jr., of New Jersey, each to be a Member of the Election Assistance Commission, 9:30 a.m., SR-301.

*Committee on Veterans' Affairs:* October 30, to hold hearings to examine the nominations of Cynthia R. Church, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs), and Robert N. McFarland, of Texas, to be an Assistant Secretary of Veterans Affairs (Information and Technology), 2 p.m., SR-418.

*Select Committee on Intelligence:* October 30, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

### House Chamber

*Monday,* the House is not in session.

*Tuesday,* the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. Any electronic votes will be taken after 6:30 p.m.

*Wednesday and the Balance of the Week,* to be announced.

### House Committees

*Committee on Agriculture,* October 29, hearing to review the Forest Service 2003 firefighting expenses, 10 a.m., 1300 Longworth.

*Committee on Armed Services,* October 29, hearing on Iraq Reconstruction and Stability Operations: The Way Forward, 10 a.m., 2118 Rayburn.

October 30, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Destruction of the U.S. Chemical Weapons Stockpile—Program Status and Issues, 9 a.m., 2118 Rayburn.

*Committee on Education and the Workforce,* October 28, Subcommittee on Education Reform, hearing entitled "Financial Literacy Education: What Do Students Need To Know To Plan For The Future?" 2:30 p.m., 2175 Rayburn.

October 29, full Committee, hearing on "The Pension Underfunding Crisis: How Effective Have Funding Reforms Been?" 10:30 a.m., 2175 Rayburn.

October 30, Subcommittee on Workforce Protections, hearing on "Energy Employees Workers' Compensation: Examining the Department of Labor's Role in Helping Workers with Energy-Related Occupational Illnesses and Diseases, 10:30 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* October 30, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "E-Commerce: The Case of Online Wine Sales and Direct Shipment," 9:30 a.m., 2123 Rayburn.

*Committee on Financial Services,* October 29, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing on World Bank lending to Iran, 10 a.m., 2128 Rayburn.

October 30, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "Reviewing U.S. Capital Market Structure: Promoting Competition in a Changing Trading Environment," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* October 29, Subcommittee on Civil Service and Agency Organization, oversight hearing entitled "Decision Time: A New Human Resources Management System at the Department of Homeland Security," 10 a.m., 2154 Rayburn.

October 29, Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled "Agency Compliance with FFMIA—Private Sector Views," 2:30 p.m., 2203 Rayburn.

October 29, Subcommittee on Human Rights and Wellness, hearing entitled "The Ongoing Tragedy of International Slavery and Human Trafficking: An Overview," 2 p.m., 2154 Rayburn.

October 30, full Committee, hearing entitled "Serving the Underserved in the 21st Century: The Need for a Stronger, More Responsive Public Health Service Commissioned Corps," 10 a.m., 2154 Rayburn.

*Committee on International Relations,* October 29, Subcommittee on Asia and the Pacific and the Subcommittee on International Terrorism, Nonproliferation and Human Rights, joint hearing on the Challenge of Terrorism in Asia and the Pacific, 1:30 p.m., 2172 Rayburn.

October 29, Subcommittee on the Middle East and Central Asia, hearing on Central Asia: Terrorism, Religious Extremism, and Regional Stability, 10 a.m., 2172 Rayburn.

*Committee on the Judiciary,* October 30, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on "The Prospects for American Workers: Immigration's Impact," 10 a.m., 2141 Rayburn.

*Committee on Resources,* October 29, to mark up the following measures: H. Con. Res. 237, honoring the late Rick Lupe, lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency, for his dedication and

service to the United States and for his essential service in fighting wildfires and protecting the environment and communities of Arizona; H.R. 154, to exclude certain properties from the John H. Chafee Coastal Barrier Resources; H.R. 265, Mount Rainier National Park Boundary Adjustment Act of 2003; H.R. 280, National Aviation Heritage Act; H.R. 421, Environmental Policy and Conflict Resolution Advancement Act of 2003; H.R. 506, Galisteo Basin Archaeological Sites Protection Act; H.R. 958, Hydrographic Services Amendments of 2003; H.R. 1058, to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; H.R. 1594, St. Croix National Heritage Area Study Act; H.R. 1618, Arabia Mountain National Heritage Area Act; H.R. 1629, Upper Missouri River Breaks Boundary Clarification Act; H.R. 1648, Carpinteria and Montecito Water Distribution Systems Conveyance Act of 2003; H.R. 1732, Williamson County Water Recycling Act of 2003; H.R. 1862, Oil Region National Heritage Area Act; H.R. 1964, Highlands Stewardship Act; H.R. 2408, National Wildlife Refuge Volunteer Act of 2003; H.R. 2425, Quinault Permanent Fisheries Fund Act; H.R. 2489, Cowlitz Indian Tribe Distribution of Judgment Funds Act; H.R. 2584, to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship; H.R. 2693, Marine Mammal Protection Act Amendments of 2003; H.R. 2707, Salt Cedar and Russian Olive Control Demonstration Act; H.R. 2715, to provide for necessary improvements to facilities at Yosemite National Park; H.R. 2907, Northern Arizona National Forest Land Exchange Act of 2003; H.R. 3209, to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project; S. 523, Native American Technical Corrections Act of 2003; S. 625, Tualatin River Basin Water Supply Enhancement Act of 2003; S. 677, Black Canyon of the Gunnison Boundary Revision Act of 2003; S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior; and S. 1233, National Great Black Americans Commemoration Act of 2003, 10 a.m., 1324 Longworth.

October 29, to hold a hearing on H.R. 2010, to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, 2 p.m., 1324 Longworth.

October 30, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the GAO report entitled "Opportunities to Improve the Management and Oversight of Oil and Gas Activities on Federal Lands," 10 a.m., 1324 Longworth.

October 30, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on the upcoming 18th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas, 2 p.m., 1324 Longworth.

October 30, Subcommittee on Water and Power, hearing and markup of the following: H.R. 142, to amend the Reclamation Wastewater and Groundwater Study and

Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; H.R. 1156, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project; H.R. 2960, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; H.R. 2991, Inland Empire Regional Water Recycling Initiative; the Provo River Project Transfer Act; the Riverside-Corona Feeder; and S. 212, High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act, 10 a.m., 1334 Longworth.

*Committee on Rules*, October 28, to consider H.R. 2443, Coast Guard and Maritime Transportation Act of 2003, 5 p.m., H-313 Capitol.

*Committee on Science*, October 29, hearing on NASA's Organizational and Management Challenges in the Wake of the Columbia Disaster, 10 a.m., 2318 Rayburn.

October 30, Subcommittee on Environment, Technology, and Standards, hearing on "What is Space Weather and Who Should Forecast It?" 10 a.m., 2318 Rayburn.

October 30, Subcommittee on Research, hearing on Implementation of the Math Science Partnership Program: Views from the Field, 12 p.m., 2325 Rayburn.

*Committee on Small Business*, October 30, Subcommittee on Regulatory Reform and Oversight, hearing on the impact of unsolicited commercial email (spam) on small businesses, 10:30 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, October 30, Subcommittee on Aviation, oversight hearing on The Status of the Federal Aviation Administration's Air Traffic Control Modernization Programs, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, October 28, to mark up the following bills: H.R. 2896, American Jobs Creation Act of 2003; and H.R. 2571, Rail Infrastructure Development and Expansion Act for the 21st Century, 9 a.m., 1100 Longworth.

October 30 and 31, hearings on United States-China Economic Relations and China's Role in the Global Economy, 2 p.m., on October 30 and 9 a.m., on October 31, 1100 Longworth.

*Permanent Select Committee on Intelligence*, October 28, executive, hearing on Global War on Terrorism, 2 p.m., H-405 Capitol.

October 30, hearing entitled "Securing Freedom and the Nation: Collecting Intelligence Under the Law, Constitutional and Public Policy Consideration," 8:30 a.m., 1302 Longworth.

*Select Committee on Homeland Security*, October 30, Subcommittee on Cybersecurity, Science, and Research and Development, hearing entitled "Strength Through

Knowledge: Homeland Security Science and Technology  
Setting and Steering a Strong Course,” 3 p.m., 210 Cannon.

**Joint Meetings**

*Conference:* October 27, meeting of conferees on H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, 6:30 p.m., HC-5, Capitol.

*Next Meeting of the SENATE*

12 noon, Monday, October 27

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Tuesday, October 28

## Senate Chamber

**Program for Monday:** Senate will resume consideration of H.R. 2800, Foreign Operations Appropriations Act. At 2 p.m., Senate will resume consideration of the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency, with a vote on the motion to close further debate on the nomination to occur at 5:30 p.m.

## House Chamber

**Program for Tuesday:** To be announced.

## Extensions of Remarks, as inserted in this issue

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# Congressional Record

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